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## TITLE 7—AGRICULTURE

### Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Plum Order 10]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

#### REGULATION BY GRADES AND SIZES

§ 936.336 Plum Order 10—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Duarte plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule-making procedure requirements and the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001 et seq.) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., California d. s. t., June 24, 1948, and ending at 12:01 a. m., California d. s. t., October 1, 1948, no shipper shall ship:

(i) Any package or container of Duarte plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh) 12 F. R. 2305, 13 F. R. 2423) with a total tolerance of ten (10)

percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of Duarte plums containing plums of a size smaller than a size that will pack a 5 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 5 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than  $1\frac{1}{16}$  inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than  $1\frac{1}{16}$  inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than  $1\frac{1}{16}$  inches in diameter.

(3) Each shipper, prior to making each shipment of Duarte plums, shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Duarte plums contained in each such lot or shipment: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection; •

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(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Notwithstanding the provisions contained in subparagraphs (3) and (5) of this paragraph, any shipper may ship each day into or in either the San Francisco-Sacramento region or the Los Angeles region or through either of the aforesaid regions from a point in the State of California to another point in the State of California a single shipment of plums aggregating not more than 900 pounds, net weight, of Duarte plums and of all other varieties of plums with respect to which any grade or size regulation, issued pursuant to the amended marketing agreement and order, is in effect, without having the Duarte plums included in such shipment inspected by the aforesaid Federal-State Inspection Service: *Provided*, That such shipper shall comply with all grade and size regulations applicable to the shipment of such Duarte plums, and: *Provided, further*, That, such shipper submits or causes to be submitted promptly to the Plum Commodity Committee a report, with respect to each such shipment, setting forth the quantity of the Duarte plums so shipped.

(5) The determination (12 F. R. 3059) in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(6) The terms "shipper," "ship," "shipping," "shipping point," and "shipment," shall have the same meaning as when used in the amended marketing agreement and order; the term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards; and the terms "San Francisco-Sacramento region" and "Los Angeles region" shall have the same meaning as when used in § 936.301. (48 Stat. 31, as amended, 7 U. S. C. 601 et seq., 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 21st day of June 1948.

[SEAL] S. R. SMITH,  
Director, Fruit and Vegetable  
Branch, Production and Mar-  
keting Administration.

[F. R. Doc. 48-5628; Filed, June 22, 1948;  
9:03 a. m.]

#### [Plum Order 11]

PART 936—FRESH BARTLETT PEARS, PLUMS,  
AND ELBERTA PEACHES GROWN IN CALI-  
FORNIA

#### REGULATION BY GRADES AND SIZES

§ 936.337 *Plum Order 11*—(a) *Findings*. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the

aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Burbank plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the preliminary notice and public rule-making procedure requirements and a 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001 et seq.) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order*. (1) During the period beginning at 12:01 a. m., California d. s. t., June 24, 1948, and ending at 12:01 a. m., California d. s. t., October 1, 1948, no shipper shall ship:

(i) Any package or container of Burbank plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh) 12 F. R. 2305, 13 F. R. 2423) with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of Burbank plums containing plums of a size smaller than a size that will pack a 4 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than  $1\frac{1}{10}$  inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than  $1\frac{1}{10}$  inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than  $1\frac{1}{10}$  inches in diameter.

(3) Each shipper, prior to making each shipment of Burbank plums, shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Com-

modity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Burbank plums contained in each such lot or shipment: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Notwithstanding the provisions contained in subparagraphs (3) and (5) of this paragraph, any shipper may ship each day into or in either the San Francisco-Sacramento region or the Los Angeles region or through either of the aforesaid regions from a point in the State of California to another point in the State of California a single shipment of plums aggregating not more than 900 pounds, net weight, of Burbank plums and of all other varieties of plums with respect to which any grade or size regulation, issued pursuant to the amended marketing agreement and order, is in effect, without having the Burbank plums included in such shipment inspected by the aforesaid Federal-State Inspection Service: *Provided*, That such shipper shall comply with all grade and size regulations applicable to the shipment of such Burbank plums, and: *Provided, further*, That, such shipper submits or causes to be submitted promptly to the Plum Commodity Committee a report, with respect to each such shipment, setting forth the quantity of the Burbank plums so shipped.

(5) The determination (12 F. R. 3059) in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(6) The terms "shipper," "ship," "shipping," "shipping point," and "shipment," shall have the same meaning as when used in the amended marketing agreement and order; the term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards; and the terms "San Francisco-Sacramento region" and "Los Angeles region" shall have the same meaning as when used in § 936.301.

(48 Stat. 31, as amended, 7 U. S. C. 601 et seq., 7 CFR, Cum. Sup., 936.1 et seq.)

Done at Washington, D. C., this 21st day of June 1948.

[SEAL] S. R. SMITH,  
Director Fruit and Vegetable  
Branch, Production and Mar-  
keting Administration.

[F. R. Doc. 48-5629; Filed, June 22, 1948;  
9:04 a. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51949]

#### PART 61—IMPORTATION OF ARTICLES IN CONNECTION WITH THE INTERNATIONAL INDUSTRIAL EXPOSITION, INCORPORATED, AT ATLANTIC CITY, N. J.

The following regulations under Public Law No. 614,<sup>1</sup> 80th Congress, approved June 8, 1948, relate to the entry of articles in connection with the International Industrial Exposition, Incorporated, to be held at Atlantic City, N. J., June 26 to September 11, 1948.

##### Sec.

- 61.1 Invoices; marking; bond.
- 61.2 Entry; appraisalment; procedure.
- 61.3 Compliance, provisions of Plant Quarantine Act of 1912.
- 61.4 Detail of customs officers to protect revenues; expenses.
- 61.5 Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.

AUTHORITY: §§ 61.1 to 61.5, inclusive, issued under Public Law No. 614, 80th Congress.

§ 61.1 *Invoices; marking; bond.* (a) All importations of articles of a class requiring a consular invoice, intended for exhibition under the provisions of Public

<sup>1</sup>"That all articles which shall be imported from foreign countries for the purpose of exhibition at the International Industrial Exposition, Incorporated, an international exposition, to be held at Atlantic City, New Jersey, from June 26 to September 11, 1948, inclusive, by the International Industrial Exposition, Incorporated, a corporation, or for use in constructing, installing, or maintaining foreign exhibits at the said exhibition, upon which articles there shall be a tariff or customs duty, shall be admitted without payment of such tariff, customs duty, fees or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within three months after the close of the said exposition to sell within the area of the exposition any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deteriora-

tion from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the tariff act, as amended, and the regulations promulgated thereunder. No additional duty shall be assessed because such articles were not properly marked when imported into the United States.

(b) The marking requirements of the Tariff Act of 1930, as amended, and the regulations promulgated thereunder will not apply to articles imported under the regulations in this part except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the tariff act, as amended, and the regulations promulgated thereunder. No additional duty shall be assessed because such articles were not properly marked when imported into the United States.

(c) The International Industrial Exposition, Incorporated, shall give to the collector of customs at Philadelphia, Pa., a bond on customs Form 7555, appropri-

tion from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further*, That at any time during or within three months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: *Provided further*, That articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said exposition under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That the International Industrial Exposition, Incorporated, a corporation, shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this Act, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisalment, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this Act, shall be reimbursed by the International Industrial Exposition, Incorporated, a corporation, to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930, as amended (U. S. C. 1940 edition, title 19, sec. 1524)."

ately modified, to secure compliance with Public Law No. 614, 80th Congress, and the regulations in this part.

§ 61.2 *Entry; appraisalment; procedure.* (a) All entries under the regulations in this part shall be made at the port of Philadelphia, Pa., in the name of the International Industrial Exposition, Incorporated, which shall be deemed for customs purposes the sole consignee of the merchandise entered under the act and which shall be held responsible to the Government for all duties and charges due the United States on account of such entries; but, in the case of merchandise withdrawn from entry under the regulations in this part, an entry under the general tariff law in the name of any person duly authorized in writing by the International Industrial Exposition Incorporated, to make such entry, may be accepted by the collector.

(b) Articles to be entered under the regulations in this part which arrive at ports other than Philadelphia shall be entered for immediate transportation without appraisalment to the latter port in the manner provided by the general customs regulations.

(c) Upon the arrival at the port of Philadelphia of articles to be entered under the regulations in this part, the same should be entered on a special form of entry to read substantially as follows:

#### ENTRY FOR EXHIBITION

Entry No. ....

Entry at the port of Philadelphia of articles consigned or transferred to the International Industrial Exposition, Incorporated, under ..... I. T. No. .... ex B. 8, ..... from ..... on the ..... day of ..... 1948, for exhibition purposes under Public Law No. 614 of the Eightieth Congress, approved June 8, 1948.

Mark	Number	Package and contents	Quantity	Invoice	Value
-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----

INTERNATIONAL INDUSTRIAL EXPOSITION,  
INCORPORATED,

By .....

(d) Upon such entry being made, the collector shall issue a special permit for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in the discretion of the collector, to the appraiser's stores for examination and subsequent transfer to the buildings in which they are to be exhibited or used. Upon the receipt of the articles at such buildings or at the appraiser's stores, the same shall be given a tentative appraisal prior to their exhibition or use. All imported exhibits so received in such buildings shall be kept segregated from domestic articles and imported duty-paid articles and shall not be removed from the exhibition building except in accordance with § 61.5 (a).



(e) If for any reason articles imported for entry under the regulations in this part are not upon their arrival to be delivered immediately at an exhibition building, the importer should so indicate to the collector in writing, who will cause such articles to be placed in a bonded warehouse under a "general order permit" at the importer's risk and expense, and such articles may be entered at any time within one year from the date of importation for exhibition, as herein provided, or under the general tariff law, or for exportation. If not so entered within such period, they will be regarded as abandoned to the Government.

(f) Articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond may be transferred to entry for exhibition at the exposition in the manner prescribed in § 10.49 (c) of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 10.49 (c)), except that in each case an entry under § 61.2 (c) shall be filed, which shall supersede any previous entry, and no new bond other than that specified in § 61.1 (c) shall be required. Imported articles in bonded warehouses under the general tariff law may be transferred to entry for exhibition at the exposition in the manner prescribed in § 8.33 of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.33).

§ 61.3 *Compliance, provisions of Plant Quarantine Act of 1912.* The entry of plant material subject to restriction under the Plant Quarantine Act of 1912, as amended (U. S. C., title 7, secs. 151 to 164a, inclusive, and sec. 167) shall not be permitted except under permits issued therefor by the Bureau of Entomology and Plant Quarantine, Department of Agriculture, and in accordance with the plant quarantine regulations.

§ 61.4 *Detail of customs officers to protect revenue; expenses.* (a) The collector of customs at Philadelphia, Pa., shall detail an officer to act as his representative at the exposition and shall station inside the exhibition buildings as many additional customs officers and employees as may be necessary properly to protect the revenue.

(b) All actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody of imported articles, together with the necessary charges for salaries of customs officers and employees in connection with the supervision and custody of, and accounting for, articles imported for exhibition at the exposition or transferred thereto for exhibition, shall be reimbursed by the International Industrial Exposition, Incorporated, to the Government, payment to be made monthly to the collector of customs, Philadelphia, Pa., for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Collecting the Revenue from Customs."

§ 61.5 *Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary*

*abandonment.* (a) Any articles entered under the regulations of this part may be withdrawn for exportation, for abandonment to the Government, for destruction under customs supervision, or for consumption or entry under the general tariff law, but not otherwise, at any time prior to the opening of the exposition, or at any time during or within three months after the close of the exposition. Upon the withdrawal of such articles for consumption or for entry under the general tariff law, or at the expiration of three months after the close of the exposition in the case of articles not previously so withdrawn, they shall be appraised with due allowance made for diminution or deterioration from incidental handling or exposure. Such appraisal shall be final in the absence of an appeal to reappraisal, as provided in section 501 of the Tariff Act of 1930, as amended (U. S. C., title 19, sec. 1501). In the case of such articles withdrawn for entry under the general tariff law under a warehouse bond or a bond conditioned upon exportation, the statutory period of the bond and any extension thereof shall be computed from the date of withdrawal from entry under the provisions of Public Law No. 614 of the Eightieth Congress.

(b) At any time prior to the opening of the exposition, or at any time during or within three months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, as provided in § 15.4 of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 15.4).

(c) Any articles entered under the regulations in this part which have not been withdrawn for consumption, entry under the general tariff law, or exportation, or which have not been abandoned to the Government or destroyed under customs supervision, before the expiration of three months after the close of the exposition, shall be regarded as abandoned to the Government.

In view of the fact that the exhibition at the International Industrial Exposition, Incorporated, will commence on June 26, 1948, notice of a proposal to issue the regulations contained in this part and procedure thereon pursuant to section 4 of the Administrative Procedure Act (Public Law No. 404, 79th Congress) are impracticable, and it is hereby found that there is good cause for dispensing with such notice and procedure.

The regulations in this part shall become effective immediately, publication thereof not less than 30 days prior to their effective date, pursuant to section 4 (c) of the Administrative Procedure Act (Public Law 404, 79th Congress), being dispensed with because of the urgency above mentioned. (532.2)

[SEAL] FRANK DOW,  
Acting Commissioner of Customs.

Approved: June 17, 1948.

A. L. M. WIGANS,  
Acting Secretary of the Treasury.

[F. R. Doc. 48-5632; Filed, June 22, 1948;  
8:48 a. m.]

## TITLE 25—INDIANS

### Chapter I—Office of Indian Affairs, Department of the Interior

#### Subchapter A—Alaska

#### PART 3—OPERATION OF THE UNITED STATES SHIP "NORTH STAR" BETWEEN SEATTLE, WASHINGTON, AND STATIONS OF THE ALASKA NATIVE SERVICE AND OTHER GOV- ERNMENT AGENCIES, ALASKA

Sections 3.1, 3.2 and 3.3 of Part 3, Title 25, Indians, Code of Federal Regulations, are amended to read as hereinafter set forth:

#### Sec.

- 3.1 Responsibility for operation.
- 3.2 Estimates of costs of repairs.
- 3.3 Charges to Federal agencies and others.

**AUTHORITY:** §§ 3.1 to 3.3, inclusive, issued under R. S. 161; 5 U. S. C. 22.

§ 3.1 *Responsibility for operation.* The Administrative Assistant and Special Representative of the Alaska Native Service with offices in Seattle, Washington, shall have full responsibility for the operation of the ship for the Department of the Interior, including repair, upkeep, payment of bills, and recommendations for the employment of personnel.

Itineraries for each voyage shall be made by the Administrative Assistant or his Special Representative in consultation with the General Superintendent of the Juneau Office. Preference is accorded the work of the Alaska Native Service. The General Superintendent of the Alaska Native Service is vested with authority to direct the use of the ship to perform special services which may arise and to act in any emergency. The Administrative Assistant and Special Representative shall be kept informed of any action taken by the General Superintendent.

§ 3.2 *Estimates of costs of repairs.* The Administrative Assistant and Special Representative of the Alaska Native Service shall furnish the Juneau Office advance estimates of the annual repairs and reconditioning costs of the "North Star" and of costs involved in any proposed changes in personnel. Funds to meet the expense of operating the ship, lighterage, longshoring, and other freight expenses shall be advanced, when available, from the appropriation for the operation of the ship to the Treasury Regional Disbursing Officer in Seattle.

§ 3.3 *Charges to Federal agencies and others.* All agencies and activities of the Federal Government (except the Alaska Native Service activities financed from the same appropriation used for the operation of the ship), shall be charged their pro rata share of the expense of the voyage, which will be figured by dividing the total tons carried into the cost of the voyage regardless of the distance any shipment is carried. The expense of each voyage shall include the cost of operating the ship, including minor and regular repairs but not major repairs, nor the time the ship is laid up for annual overhaul, from the last date of return to Seattle from the previous voyage to the date of return to Seattle on the voyage on which the cost

## RULES AND REGULATIONS

[Reg. 14,<sup>1</sup> Order 7, Amdt. 4]**PART 8314—DISPOSAL TO NONPROFIT INSTITUTIONS AND DISCOUNTS FOR EDUCATIONAL OR PUBLIC-HEALTH INSTITUTIONS OR INSTRUMENTALITIES****DISPOSAL OF PERSONAL PROPERTY TO EDUCATIONAL AND PUBLIC-HEALTH INSTITUTIONS AND INSTRUMENTALITIES**

is being computed. Such charges shall be billed on transfer vouchers (Standard Form 1080) and payments shall be credited to the appropriation for the operation of the ship current at the time collection is made. Bills will be prepared in the Seattle Office as promptly as possible and forwarded to the Juneau Office for appropriate action.

Charges for freight carried for natives, co-operatives of natives, and business enterprises operated by natives, will be in accordance with tariff rates established by the Alaska Native Service each calendar year in advance of the shipping season.

Commercial freight may be carried in emergencies between points where adequate service is not provided by commercial vessels. Commercial freight, when carried, shall be prepaid at the regular commercial tariff rates applying between ports and on condition that the United States may not be held responsible for any loss, damage or non-delivery.

Dated: June 17, 1948.

WILLIAM E. WARNE,  
Assistant Secretary of the Interior

[F. R. Doc. 48-5572; Filed June 22, 1948; 8:46 a. m.]

**TITLE 32—NATIONAL DEFENSE****Chapter XXIII—War Assets Administration**

[Reg. 14, Amdt. 2]

**PART 8314—DISPOSAL TO NONPROFIT INSTITUTIONS AND DISCOUNTS FOR EDUCATIONAL OR PUBLIC-HEALTH INSTITUTIONS OR INSTRUMENTALITIES**

War Assets Administration Regulation 14, October 1, 1946, as amended through January 13, 1947, entitled "Disposal to Nonprofit Institutions and Discounts for Educational or Public-Health Institutions or Instrumentalities" (11 F. R. 11505; 12 F. R. 257) is hereby further amended by changing § 8314.10 to read as follows:

§ 8314.10 *Certificate of need and use.* Each nonprofit institution or instrumentality applying for the benefits of this part shall certify through a responsible officer thereof that the property sought by the applicant under such certification is required for its own use to fill an existing need of the applicant and that it will not be resold to others without the consent in writing of the disposal agency.

(Surplus Property Act of 1944 as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611) Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b) and Reorg. Plan 1 of 1947 (12 F. R. 4534))

This amendment shall be effective June 17, 1948.

JESS LARSON,  
Administrator

JUNE 17, 1948.

[F. R. Doc. 48-5653; Filed, June 22, 1948; 10:24 a. m.]

War Assets Administration Regulation 14, Order 7, May 13, 1947, as amended through April 14, 1948, entitled "Disposal of Personal Property to Educational and Public-Health Institutions and Instrumentalities" (12 F. R. 3244, 3725, 6270; 13 F. R. 2135) is hereby further amended by deleting the Commodity Code Classification "24 0000 Nonferrous Metals," from Exhibit A to § 8314.57 thereof and inserting in lieu thereof, the following: "24 0000 Nonferrous metals. Except 24 8000)"

(Surplus Property Act of 1944 as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611) Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b) and Reorganization Plan 1 of 1947 (12 F. R. 4534))

This amendment shall be effective June 23, 1948.

JESS LARSON,  
Administrator

JUNE 17, 1948.

[F. R. Doc. 48-5654; Filed, June 22, 1948; 10:24 a. m.]

**TITLE 33—NAVIGATION AND NAVIGABLE WATERS****Chapter II—Corps of Engineers, Department of the Army****PART 203—BRIDGE REGULATIONS****FEATHER RIVER, CALIF.**

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499) § 203.716 is hereby amended by revoking paragraph (e) relating to the Sutter County highway bridge across Feather River at Nicolaus, California, as follows:

§ 203.716 *Sacramento River and its tributaries, Calif.* \* \* \*

(e) *Feather River—Sutter County highway bridge at Nicolaus.* At least seven days' advance notice required. [Revoked.]

[Regs. June 1, 1948, CE 823 (Feather River—Nicolaus, Calif.—Mile 9.7)—ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL]

EDWARD F. WITSELL,  
Major General,  
The Adjutant General.

[F. R. Doc. 48-5578; Filed, June 22, 1948; 8:47 a. m.]

<sup>1</sup>WAA Reg. 14 (11 F. R. 11505; 12 F. R. 257).

**TITLE 49—TRANSPORTATION AND RAILROADS****Chapter I—Interstate Commerce Commission**

[Rev. SO 87, Amdt. 1]

**PART 95—CAR SERVICE****FREE TIME REDUCED ON COAL AT NORTH ATLANTIC PORTS**

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of June A. D. 1948.

Upon further consideration of Revised Service Order No. 87 (13 F. R. 3277) and good cause appearing therefor:

*It is ordered,* That Revised Service Order No. 87 (codified as § 95.500<sup>1</sup>), be, and it is hereby, amended by adding the following exception to paragraph (a) thereof:

*Exception.* This order shall not apply to cars of coke delivered to vessels at Newport News, Lambert Point or Sewalls Point, Va., having destination outside the Capes of Virginia and to points on the Albemarle, Pamlico, and Currituck Sounds, and tributaries thereto; and shall not apply on cars of coke delivered to vessels at Canton, Curtis Bay, Locust Point or Port Covington (Baltimore) Md., for movement to points beyond the Capes of Chesapeake Bay, or delivered to vessels at Port Richmond or Greenwich Piers (Philadelphia), Pa., for movement to points beyond the Capes of Delaware Bay.

*It is further ordered,* This amendment shall become effective at 7:00 a. m., July 1, 1948; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 49 U. S. C. 1 (10)-(17).)

By the Commission, Division 3.

[SEAL]

W P BARTEL,  
Secretary.

[F. R. Doc. 48-5571; Filed, June 22, 1948; 8:46 a. m.]

<sup>1</sup>Appears erroneously as § 95.87 at 13 F. R. 3277.

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Production and Marketing Administration

##### [7 CFR, Part 984]

[Docket No. AO 192]

#### HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON AND WASHINGTON

#### NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEP- TIONS THERETO WITH RESPECT TO PRO- POSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq., 12 F. R. 1159, 4904) notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed marketing order regulating the handling of walnuts grown in California, Oregon, and Washington, to take the place of the present marketing agreement (No. 62) and marketing order (No. 1, 7 CFR 901.1 et seq., 7 CFR Cum. Supp., 901.4, 901.17, 901.19; 12 F. R. 5033) regulating the handling of walnuts grown in California, Oregon, and Washington, such new marketing agreement and order to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq., 61 Stat. 202, 707). Interested parties may file exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 1846, South Building, Washington 25, D. C., not later than the close of business on the 10th day after publication of this recommended decision in the FEDERAL REGISTER. Any such exceptions should be filed in quadruplicate.

**Preliminary statement.** A public hearing, on the record of which the proposed marketing agreement and marketing order (hereinafter called the "order") were formulated, was held at San Francisco, California, on April 27-29, 1948, both dates inclusive, pursuant to a notice thereof which was published in the FEDERAL REGISTER (13 F. R. 1934, 1955) on April 9 and 10, 1948. Said notice contained a draft of a proposed marketing agreement and order which had been presented to the Secretary of Agriculture (hereinafter called the "Secretary") by the Walnut Control Board (the administrative agency for operations under the aforementioned existing marketing agreement and marketing order regulating the handling of walnuts grown in California, Oregon, and Washington) with a petition for a hearing thereon. The objective of such proposal was to bring to the walnut industry of California, Oregon, and Washington, more of the benefits of the Agricultural Marketing Agreement Act of

1937, as amended (hereinafter called the "act"), and to seek to accomplish the declared purposes of the legislation to the fullest extent practicable.

The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction in this instance.

(2) The need for the proposed regulatory program to accomplish the declared objectives of the act.

(3) The provisions which should be incorporated in any marketing agreement and order adopted, such as:

(a) The defining of such terms as "Secretary", "walnuts", "unshelled walnuts", "merchantable walnuts", "area of production", "person", "handler", "packer", "distributor", "sheller", "pack", "to pack", "to handle", "to ship", "marketing year", "handler carryover", "trade carryover", "trade demand", "act" and "Control Board" or "Walnut Control Board";

(b) The establishment and maintenance of an administrative agency to conduct the program operations, the granting of powers and duties to such agency, and the providing for its manner of conducting business;

(c) Controlling the distribution of walnuts, including: (i) The prescribing of pack specifications and minimum standards; and (ii) the certifying of merchantable walnuts.

(d) Withholding surplus walnuts including: (i) the fixing of salable and surplus percentages; (ii) the subsequent increase of a salable percentage; (iii) the fixing of withholding percentages; (iv) providing for the withholding of surplus merchantable walnuts; (v) providing for the postponement of withholding surplus walnuts upon filing bond; (vi) providing for inter-handler transfers of surplus walnuts; (vii) providing for the assistance of the Walnut Control Board in accounting for surplus; (viii) providing for the application of salable, surplus, and withholding percentages, and bonding rates after the end of a marketing year; (ix) providing for the exchange of surplus walnuts; and (x) providing for adjustment upon increase of salable percentage;

(e) Prohibiting the handling of surplus walnuts, in any manner other than for shelling or for export, and providing methods for the making of such dispositions;

(f) Providing for the books and records which handlers should keep and the reports which they should file, and for verification of the same by the Walnut Control Board;

(g) Providing for operational expenses and the assessments to be imposed in that connection; and

(h) Providing for certain additional provisions, as set forth in §§ 984.8 to 984.18, both inclusive, as published in the FEDERAL REGISTER (13 F. R. 1934, 1955) on April 9 and 10, 1948, which are common to marketing agreements and marketing orders, namely: separability,

separability, derogation, duration of immunities, agents, effective time and termination, and effect of termination or amendments, and the additional provisions which are common to marketing agreements alone, such as amendments, counterparts, additional parties, order with marketing agreement.

**Findings and conclusions.** The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) As will appear in the discussion of the definition of "to handle" under (3) (a) below, it is intended to regulate under the proposed program only those merchantable unshelled walnuts which actually move in interstate or foreign commerce. A federal regulatory program generally similar to that now proposed has been in effect for California, Oregon, and Washington from 1933 to the present time, except for the period from October 1943 through March 1947, when such regulatory program was superseded by Federal regulation under a war food order issued pursuant to emergency powers granted by law in connection with the then existing war emergency. Careful records of the production and handling of merchantable unshelled walnuts were kept by the agencies charged with the administration of the aforementioned programs. Such records show that, from the beginning of Federal regulation to the present time, a major portion of the production of merchantable unshelled walnuts has moved each year into interstate and foreign commerce channels. For instance, the average production of merchantable unshelled walnuts for the 4-year period from 1943 to 1946, inclusive was approximately 99,000,000 pounds, of which approximately 81,000,000 pounds moved in interstate or foreign commerce. Therefore, the evidence shows conclusively that a major portion of the production of merchantable unshelled walnuts in the aforementioned States moves in interstate or foreign commerce channels. In California, the State in which most of the merchantable unshelled walnuts are produced, such walnuts as are consumed in that State are regulated under an order issued pursuant to laws of that State and in a manner which is similar to the Federal regulation.

(2) Prior to the institution of Federal regulation of merchantable unshelled walnuts, which began in 1933, large surpluses of such commodity in excess of the then current domestic needs accumulated annually, and these surpluses were being carried over from one year to another. In 1933, such surplus amounted to approximately 30 percent of the previous year's crop. This situation resulted in walnuts being a drug on the market, and created chaotic marketing conditions, particularly since there was no central authority which could dispose of the surplus through other channels and in a

manner which would benefit the interested parties. Under the aforementioned regulatory program, this undesirable situation was alleviated through the establishment of salable percentages of merchantable unshelled walnuts based on the estimated domestic consumptive demand for such walnuts and the giving of authority to the administrative agency, the Walnut Control Board, to dispose of the remaining, or the surplus, merchantable unshelled walnuts, through channels other than the domestic market for merchantable unshelled walnuts, namely, for shelling and for export. The establishment and enforcement of salable percentage provisions in connection with the domestic consumptive demands for merchantable unshelled walnuts prevented a glut in the market in that regard. Also, the giving of authority to the Walnut Control Board to dispose of the surplus merchantable unshelled walnuts in the aggregate operated to permit such disposition to be made in the most efficient and advantageous manner from a standpoint of both growers and handlers. Testimony presented at the hearing on behalf of both growers and packers was to the general effect that the operation of the program over the years has tended to relieve the industry of a large part of the difficulties which resulted from surpluses and has resulted in the enhancement of crop values by millions of dollars. The evidence also indicates that, if a regulatory program of this type is not continued in operation, the market situation will tend to degenerate to the chaotic conditions which existed prior to 1933. It is even more imperative that such a regulatory program be continued in effect under the present economic conditions, in that, by reason of the recent world war and the following adverse economic conditions over the world, the export trade in merchantable unshelled walnuts has dwindled to a point where it is comparatively negligible, and the prospects for a substantial increase in such export sales in the near future are not promising. This, of course, will make it even more difficult than formerly to dispose of all surplus merchantable walnuts for a satisfactory price, thereby making it even more necessary and desirable that such disposition be placed in the hands of a qualified agency which is able to deal in, or supervise, the distribution of all merchantable unshelled walnuts in the aggregate. Further, the evidence indicates that the average price of walnuts to growers during the 1947-48 marketing season was only 52 percent of parity, and, it is estimated, based upon present economic conditions and outlook, that the average price of walnuts to growers during 1948-49 marketing season will also be appreciably below parity. One of the expressed primary objectives of Congress in enacting the Agricultural Marketing Agreement Act of 1937, as amended, is that a regulatory program of this nature shall regulate the particular commodity with a view to raising the prices to the growers thereof as near the parity level as is practicable and consistent with the interest of the consumers. As has been indicated, the regulatory program which has been in effect and the program which is being proposed are on a basis which is

designed and intended to accomplish that objective, but which objective has not yet been reached.

(3) (a) Certain terms, applying to specific individuals, agencies, legislation, concepts, or things, are used throughout the proposed order. Those terms should be defined for the purpose of designating specifically their applicability, and establishing appropriate limitations of their meaning wherever they are used, and to preclude the necessity of defining them whenever they are used. These definitions are necessary and incidental to the operation of the proposed order and for the effectuation of the declared purpose of the act.

Definitions of "Secretary" "act" and "person" as contained in the proposal set forth in the notice of hearing, are similar to or identical with the definitions of those terms which are set forth in other orders of this nature. The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with general supervision over programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary. The definition of "act" merely gives the correct legal citation for the statute pursuant to which regulatory programs of the proposed nature are operated. The definition of "person" merely follows the definition of that term as set forth in the act for applicability wherever such term is used therein.

The definition of "Control Board" or "Walnut Control Board" refers to the administrative agency to be charged with the administration of the proposed program, provisions for the establishment and operation of which are set forth and discussed, in some detail, hereinafter.

"Walnuts" should be defined to include walnuts of the "English" (*Juglans Regia*) varieties grown in California, Oregon, and Washington, and "unshelled walnuts" should be defined to mean walnuts the kernels of which are contained in the shell. "Merchantable walnuts" should be defined to mean all unshelled walnuts which meet the pack specifications and minimum standards of quality and maturity prescribed pursuant to provisions in that connection which are to be incorporated in the order and which are discussed hereinafter. These three terms ("walnuts", "unshelled walnuts" and "merchantable walnuts") considered together, identify the portion of the walnuts which are proposed to be regulated and are necessary for that purpose.

"Area of production" should embrace California, Oregon, and Washington. The commercial production of walnuts in the United States is confined to those three States, and it is improbable that such production will later develop, on any appreciable commercial scale, in any other States. While, at the present time, such commercial production is confined mainly to certain segments of the three States mentioned, there is some possi-

bility that such production may later expand into other segments of any or all of those States. It would not be practicable to regulate walnuts in any part of the proposed area without applying the same regulation to the remaining parts of such area. The omission of a part of such area from regulation would be unfair to persons in the part of such area which is regulated. It is concluded, therefore, that the three States, considered as a unit, constitute the smallest practicable production area for the purpose of the proposed order and the act.

The term "handler" should be defined to include any packer or distributor of unshelled walnuts, the two types of persons on whom restrictions are to be placed. A "packer" should be any person who packs and handles unshelled walnuts, and a "distributor" should be any person other than a packer handling unshelled walnuts which have not been subjected, in the hands of a previous holder, to compliance with the surplus-control provisions, hereinafter discussed. This division of handlers into two categories is necessary because, for certain reasons which are discussed more fully hereinafter, it is desirable to provide somewhat different treatments as between such groups in connection with postponement of withholding surplus walnuts.

The term "sheller" should be defined to mean any person who is engaged in the business of shelling walnuts for any commercial purpose. This definition is necessary in connection with the provisions in the proposed order, which provisions are discussed more fully hereinafter, relating to the disposition of surplus merchantable unshelled walnuts for shelling, and particularly with respect to authorized shellers. The need for the particular definition is obvious from the connections in which the term is used in the aforementioned provisions. The definition includes only those persons shelling walnuts who do so on a commercial scale, and who sell the nut meats as such. It excludes persons who shell walnuts for their own consumption, or for use by them in manufacturing or producing other products, such as confections and bakery goods. It also excludes farmers who shell walnuts of their own production or those produced on neighboring farms and sell the meats incident to their other farming operations, since such persons are considered as being engaged primarily in the business of farming.

The term "pack" should be defined as a specific commercial classification according to size, internal quality, and external appearance and condition of merchantable walnuts packed in accordance with the pack specifications provided for in the proposed order, which pack specifications are discussed more fully hereinafter. Such term has had this significance as a matter of historical practice and custom, and is in accordance with the meaning of the term as long understood by the walnut industry. The definition follows the definition of the term which is contained in the existing order, except that the present requirements with respect to variety and type are omitted. It is now the inten-

tion to make the use of the varietal or type designations permissive and optional, rather than mandatory, and to impose requirements only with respect to size, internal quality, and external appearance and condition. On the other hand, the verb "to pack" should be defined to mean the bleaching, cleaning, grading, or otherwise preparing of walnuts for market as unshelled walnuts in any manner whatsoever. As indicated, the verb "to pack" has a different signification from the noun "pack" as defined above. The term "to pack" is important as explaining the definition of the term "packer" which has been discussed above. Such term covers the processes which are generally considered by the walnut industry as being applicable to packing operations. The definition last referred to is substantially the same as the definition of the term as set forth in the existing order, except that the phrase "or otherwise prepared for market in any manner whatsoever" has been changed to read "or otherwise prepare walnuts for market as unshelled walnuts in any manner whatsoever." This change has been made because the existing definition could conceivably be construed as including the shelling of walnuts, such as for the manufacture of other products by the sheller, as being a preparation for market. Therefore, the changed wording will obviate the possibility of any such unintended interpretation being made.

It was proposed in the notice of hearing that the verb "to handle" be defined to mean to sell, consign, transfer, ship (except as a common carrier of walnuts owned by another person) or in any other way to put into the channels of trade in the current of interstate or foreign commerce or so as to burden, obstruct or affect such commerce. However, it was developed at the hearing that it is intended to regulate under the proposed program only those merchantable unshelled walnuts which actually move in the channels of interstate or foreign commerce. Merchantable unshelled walnuts produced in California which do not move in such channels are now, and have been for a number of years, regulated under a marketing order issued and operated pursuant to the laws of that State. A comparatively small proportion of merchantable unshelled walnuts are produced in Oregon and Washington, and the quantity of such walnuts not moving in interstate or foreign trade channels is comparatively insignificant in volume. In these circumstances, and despite the fact that Federal regulation under the proposed program of the intrastate merchantable unshelled walnuts might be justified legally, it is not considered desirable that Federal regulation of such intrastate walnuts be exercised at this time. It is therefore concluded that the phrase "or so as to burden, obstruct or affect such commerce" should be deleted from the proposed definition of the term "to handle." The remainder of the proposed definition "to handle" covers the actions which are commonly known as "handling" in the walnut industry. Common carriers of walnuts owned by

another person should, for obvious reasons, be excluded from coverage.

The term "to ship" should be defined to mean to convey or cause to be conveyed by railroad, truck, boat, or by any other means whatsoever, but not as a common carrier for another person. Such definition will cover any and all methods of transportation and, for the same reason as that set forth under the discussion of the term "to handle" excepts common carriers for other persons from coverage thereunder.

The term "marketing year" should be defined to mean the twelve months from August 1 to the following July 31, both inclusive. Such definition follows the definition of "crop year" as contained in the existing order, and the selection of such period has been found to represent the most practicable one for order operations. While walnuts are not harvested until well after the first of August, the preparation for the new marketing year must begin about August 1 to be in readiness for the harvest, which in some portions of the area begins as early as the latter part of August, the harvesting being well under way in all portions of the area before the end of September. The desirability of this beginning date is also supported by market statistics on walnuts, in that shipments in May, June, and July are substantially less than in any other months of the year, and activity in the walnut market resumes in August.

In fixing the salable and surplus percentages for merchantable walnuts, the provisions in connection with which are discussed more fully hereinafter, careful consideration must be given by the Secretary in fixing such percentages, as well as by the Walnut Control Board in making its recommendations to the Secretary in that respect, to the estimated handler carryover, and trade demand for the particular year. In estimating trade demand, the trade carry over or the quantity of merchantable walnuts in the hands of the trade must be given consideration. The salable percentage for any year is to be fixed so as to allow an adequate quantity of that year's production of merchantable unshelled walnuts to be included thereunder so that such quantity, when added to the quantity of merchantable unshelled walnuts carried over by handlers from previous years will meet the estimated trade demand for merchantable walnuts during that year and leave a remainder sufficient to permit a reasonable quantity to be carried over for the next succeeding crop year. It is necessary, therefore, to define specifically what is meant by the terms "handler carryover" "trade carryover" and "trade demand." With respect to "handler carryover" as at any given time, the proposal set forth in the notice of hearing defines such term as meaning all merchantable walnuts, wherever located, then held by the handler or for his account (whether or not sold). However, it was developed at the hearing that this proposed definition should be modified so as to exclude therefrom merchantable unshelled walnuts which are held as surplus, and to include in the computation the estimated quantity of merchantable walnuts in un-

graded walnuts held at that time by the handlers which they intend for packing as merchantable walnuts. The desirability of making the indicated changes are believed to be self-evident in the light of the purpose and objectives of the definition, as indicated above. In these circumstances, it is concluded that the term "handler carryover" as of any given date should be defined to mean all merchantable walnuts (except merchantable walnuts held as surplus) wherever located, then held by handlers or for their accounts (whether or not sold) including the estimated quantity of merchantable walnuts in ungraded lots then held by handlers and intended for packing as merchantable walnuts. The term "trade carryover" should be defined to mean all merchantable walnuts theretofore delivered by handlers and then remaining in the possession or control of the wholesale or chain store trade exclusive of walnuts in retail outlets as of any given date. Chain stores are included with wholesalers in this definition because chain stores customarily buy directly from packers. Such stores and wholesalers are the ones which customarily buy merchantable unshelled walnuts in that manner. It is the quantity of stocks in the hands of such purchasers which generally determine the activity of the demand, particularly at the opening of the marketing season. The quantities in the hands of retail outlets are excluded from consideration because such outlets would normally not be holding any appreciable quantity of merchantable unshelled walnuts in August, the period when the information must be considered and the percentages fixed. Also, the securing of such information from them could only be obtained through an expensive and time-consuming survey, which would not be justified in the light of the minor quantities involved. In any event, in view of the small quantities of such walnuts normally expected to be held at such time by retailers, it is improbable that consideration of their holdings would materially affect the final actions in fixing the salable and surplus percentages.

It was proposed in the notice of hearing that the term "trade demand" be defined to mean the quantity of merchantable walnuts which the wholesale and chain store trade will acquire from all handlers during the marketing year for distribution in the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone. It appears that, from the standpoint of the walnut industry, Alaska, Hawaii, Puerto Rico, and the Canal Zone are considered as being in the domestic wholesale and chain store trade, and presumably prices for merchantable unshelled walnuts in those places approximate the prices for such walnuts in the continental United States. However, it was also developed at the hearing that, during some years, it may be desirable to consider, in addition to the foregoing, sales to Canada and Cuba in estimating the trade demand. Such consideration with respect to Canada and Cuba would be given in connection with the fixing of the salable and surplus percentage for years in which it appears probable that merchantable unshelled



walnuts could be sold in the particular countries at prices reasonably comparable with the prices expected to be received during that year for merchantable unshelled walnuts in the continental United States. It is concluded, therefore, that the term "trade demand" should be defined to mean the quantity of merchantable walnuts which the wholesale and chain store trade will acquire from all handlers during a marketing year for distribution in the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone: *Provided*, That there may also be considered in the making of such computation such acquisitions for distribution in Canada or Cuba, whenever there is reasonable probability that such distribution may be made to the particular country at prices reasonably comparable with prices received in the continental United States.

(b) The provisions of §984.2 of the proposed order, hereinafter set forth, are practicable, equitable, and necessary to establish an agency to act for the Secretary in administering the proposed order under and pursuant to the act.

Identification of the aforesaid agency should be "Control Board" or "Walnut Control Board" to reflect the administrative character thereof. Such board should be composed of nine members to provide a broad base of representation of grower and handler interests over the entire area, as well as one member at large.

There should be an alternate member for each member of the board to act in the place and stead of such member during the member's absence, or, in the event of the member's death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified. Such provision is necessary to provide a full committee at all times to act on any and all problems presented to it. Each alternate member of the board will, under appropriate circumstances, be acting for his respective member. Alternate members should meet the same qualifications, therefore, as the members. Any person selected as a member or alternate member should, in order to signify his assumption of the position, qualify by filing a written acceptance with the Secretary or a representative designated for that purpose by the Secretary. Any member or alternate member who, at the time of his selection, was a member of, or employed by a member of, the group which nominated him should, within 30 days after he ceases to be such member or employee, become disqualified to serve further, and his position should be deemed to be vacant. In such a case, the group has signified its intention that the person representing it on the board be identified with its business.

The initial members and alternate members of the board must be selected as soon as reasonably practicable after the effective date of the order to assure establishment of the administrative machinery in time to permit the early and efficient operation of the order. In this instance, there will not be sufficient intervening time to permit the receiving of nominations and the consideration of

such nominations in connection with the making of such selections in the usual manner. Therefore, the initial members and alternate members should be the same as the members and alternate members serving on the Walnut Control Board under the existing order on July 31, 1948. The initial members and alternate members should serve until the first Monday in April 1949 and until their respective successors shall have been selected and qualified. Such term will be in accordance with the general plan of having members and alternate members serve for a term of one year.

Successor members and alternate members of the board should be selected annually by the Secretary for a term of one year beginning with the first Tuesday after the first Monday in April and should serve until their respective successors have been selected and qualified. This would follow the handling in that regard which is in effect under the existing order, and which has been found to be satisfactory. Also, the beginning of the terms in April is desirable in order to give the board an opportunity to consider and formulate marketing policies which are to be put into effect during the succeeding crop year and to take the necessary steps to insure that all appropriate actions in that regard will be taken in adequate time for the efficient operation of the program.

One member and one alternate member on the board should be selected from each of the following groups, in order to provide a fair representation thereon between handlers (cooperative and independent) and growers (cooperative and independent) and to apportion the representation equitably over the area: (i) The cooperative handlers doing business within the State of California; (ii) all handlers, other than cooperative handlers, doing business within the State of California; (iii) the group of cooperative handlers or other than cooperative handlers doing business within the State of California who during the preceding marketing year handled more than 50 percent of the merchantable walnuts handled by handlers located within the State of California; (iv) those growers of walnuts whose walnuts are located in California and who market their walnuts through cooperative packers; (v) all other growers of walnuts whose orchards are located in California; (vi) those growers whose orchards are located in California and whose walnuts were marketed, during the preceding marketing year, through the handler group specified in (iii) above; (vii) the handlers whose plants are located within the States of Oregon or Washington; and (viii) the growers of walnuts whose orchards are located within the States of Oregon or Washington. In addition a ninth member and his alternate should be selected.

The aforementioned basis of representation follows the basis of representation which is followed under the existing order, and spokesmen for different sections of the area testified that, in their opinion, it constitutes a fair and equitable distribution between the interested parties, and takes due consideration of respective volumes of wal-

nuts handled by the several groups and the portions of the area in which they operate their businesses.

The foregoing conclusions as to the representation by groups follows the proposal set forth in the notice of hearing and contended for at the hearing, except that the word "handler" has been substituted for the word "packer." As indicated previously, the term "handler" has been subdivided into two categories, namely, "packers" and "distributors." It was contended at the hearing that distributors need not be included along with the other handlers (i. e., the packers) in this aspect of the matter because it is not likely that distributors would be interested in representation or in a position to use such representation to the advantage of the walnut industry. However, the order will impose restrictions on distributors which are comparable with those to be placed on packers, and, in the absence of a justification for a differentiation in treatment, all handlers should enjoy the same benefits and privileges. The inclusion of all handlers in such representations will afford all segments an opportunity to participate, leaving any segment free to refrain from participating if it should desire to do so.

Each of the first eight groups specified in the second preceding paragraph should nominate one person as member and one person as alternate for representation of it on the board, and those eight members, once they have been selected and have qualified, should nominate one person as member and one person as alternate member for the ninth position on the board. Nominations for each handler group should be on the basis of ballots by all handlers in the particular group whose pack for the preceding marketing year is on record with the board. Nominations for growers who market their walnuts through cooperative handlers should be submitted on the basis of ballots cast by each such handler for its growers, and nominations on behalf of growers who market their walnuts through other than cooperative handlers should be submitted after ballot by such growers pursuant to announcements by press releases through the United States Department of Agriculture to the principal papers in the walnut producing portions of the area, in which should be set forth pertinent information in that regard, including the names of the incumbents from the areas involved and where ballots may be obtained. Such ballots shall be accompanied by full instructions as to their marking and mailing. All votes cast by handlers or by cooperative grower groups should be weighted according to the tonnage of merchantable walnuts (computed to the nearest whole ton in case of fractions) recorded as certified for handling by the handler or for the cooperative grower group during the preceding marketing year, except that, if less than one ton is so recorded for any handler or grower group, its vote shall be weighted as one vote. All votes cast by individual growers should be given equal weight, except that, when growers marketing through cooperative handlers and growers marketing through other than coop-

erative handlers are in the same group entitled to submit nominations, the vote of the growers marketing through other than cooperative handlers should be weighted according to the combined tonnage of merchantable walnuts of such other than cooperative handlers recorded as certified for handling by them during the preceding marketing year. For the first year in which nominations are made, the records of walnuts certified for handling of the Walnut Control Board under the existing order should be used.

Nominations received in the foregoing manner by the board should be reported to the Secretary on or before March 20 of each marketing year, together with a certificate covering all necessary tonnage data and other information deemed by the board to be pertinent or which may be requested by the Secretary. If the board should fail to report nominations to the Secretary by March 20 of any marketing season, the Secretary should select the member or alternate without nomination. If nominations for the ninth member are not received before April 15 of any marketing season, the Secretary should select such member or alternate without nomination.

The Secretary should be permitted to select members and alternate members of the board from nominee lists supplied to him, as aforesaid, or from among other qualified persons. This provision is necessary to permit the Secretary to exercise his sound discretion in discharging such duty.

Representatives of the walnut industry testified at the hearing that the aforementioned proposals had been discussed generally by interested parties in their respective areas, and that such proposals were considered to be appropriate, fair, and equitable. The time limits specified for the submission of the nominations to the Secretary are designed to give the respective groups sufficient time to make such nominations, and yet leave the Secretary with adequate time to consider such nominations before making his selections. Obviously no nominations in connection with the ninth member position may be made until after the other eight members have been selected and have qualified, and the time fixed for the submission of such nominations should permit this to be done.

An alternate for a member of the board should act in the place and stead of such member in his absence, or, in the event of such member's death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified. This is the obvious purpose for which an alternate is selected, and is necessary to insure that a full board shall be in existence at all times to carry out its functions. In case both a member and his alternate are unable to attend a meeting of the board, any alternate for any other member representing the same group should serve in the place and stead of the absent member and his alternate, or, in the event such other alternate cannot attend, or there is no such other alternate, such absent member, or, in the event of his disability, his alternate should designate, subject to the approval of the Secretary, a tempo-

rary substitute for the meeting to act in the place and stead of the member. For the purpose of these provisions, a cooperative handler group and a cooperative grower group in the same State should be considered as the same group. Such provisions are generally similar to the provisions contained in the existing agreement and order, which have been found to be satisfactory for the purpose.

To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member or alternate member of the board, a successor for his unexpired term should be selected in the manner, insofar as applicable, provided for the making of original selections annually for members and alternate members, any such selection to be made within 30 days after the vacancy occurs. If the nomination in such a case is not reported to the Secretary within such 30 days, the Secretary should proceed to make such selection without nomination. This provision is similar to provisions on that aspect of the matter which are contained in the existing order.

The members of the board should serve without compensation, but they should be allowed their necessary expenses. Under the existing order, the ninth member and his alternate are entitled to reasonable compensation. However, they have never been willing to accept compensation and compensation has never been paid to them. The change will put all members and alternate members on a parity in this regard.

The powers of the board should be those which are set forth in section 8c (7) (C) of the act as being necessary and appropriate for an administrative agency of this nature to perform its duties and functions.

The board's duties, as hereinafter set forth, are necessary and incidental for the discharge of its responsibilities. It should act as an intermediary between the Secretary and any handler or grower; keep minute books and other records which will clearly reflect all of its acts and transactions, and such minute books and other records should, at any time, be subject to the examination of the Secretary; furnish to the Secretary such available information as he should request; and appoint such employees as it should deem necessary, and determine the salaries, define the duties and fix the bonds of such employees; cause its books to be audited by one or more competent public accountants at least once for each marketing year and at such other times as the board should deem to be necessary or as the Secretary should require, and cause three copies of each audit report thereof to be filed with the Secretary; and investigate the growing, shipping, and marketing conditions with respect to walnuts and assemble data in connection therewith. With respect to all duties except the one last referred to, similar provisions in that regard are contained in the existing order. While the statement with respect to the duty last referred to would be included in the order for the first time, it is necessarily incumbent upon the board, in administering the program, to keep a close check on growing

and marketing conditions in connection with walnuts and to collect and assemble data in that regard pertinent to such administration. The statement merely sets forth a duty which the board would need to exercise in any event.

The members of the board should select a chairman from their membership, and such other officers as they should deem to be desirable. Since the board, as a group, is to be charged with responsibility for the administration of the program, it is reasonable and logical to authorize it to select its officers and employees to carry out such responsibility. Since the chairman is to be the chief executive officer, official communications from the Secretary may properly be addressed to such chairman. As a necessary incident to its duties, the board should be authorized to adopt such rules for the conduct of its business as it may deem desirable. The board should give to the Secretary, or his designated agents and representatives, the same notice of its meetings as are given to its members. Attendance at such meetings by agents or representatives of the Secretary have been customary in the past, such action is appropriate and desirable for the continued close cooperation between the Secretary and the board, and opportunity for the continuance of that practice should be afforded.

Except when specifically provided otherwise, all decisions of the Board should be by a majority vote of the members present, and the presence of six members should be required to constitute a quorum. As a matter of practice, the board has not convened any meeting with less than six members, or two-thirds, of the total membership present, and the statement in that regard is desirable to set forth the practice.

The board should be permitted to vote by mail or telegram upon due notice to all members but, when any matter is submitted for voting by such method, one dissenting vote should prevent its adoption until submitted to a personal meeting of the board. Substantially similar provisions are contained in the existing order. The board has operated by mail vote in the past to obtain prompt approval of minutes and to facilitate action on matters of an emergency nature. Voting by telegram has been used very little, and then only in connection with voting by mail. Occasions such as those just mentioned are expected to arise again in the future, when voting by mail or telegram will be desirable. The restriction that one dissenting vote will prevent voting by mail or telegram will obviously insure against the using of such methods in connection with any controversial matter requiring discussion.

The members and alternate members of the board, as well as any agent or employee of the board, should be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the board should be subject to the continuing right of the Secretary to disapprove of the same at any time, and, upon such disapproval should be deemed null and void, except as to acts done in reliance thereon or in

compliance therewith. Similar provisions are set forth in the existing order, and substantially similar provisions are contained in orders in connection with other programs of like nature.

(c) (i) Prior to the promulgation of the original marketing license in 1933, there was no uniformity throughout the walnut packing industry in respect to grading. The establishment and enforcement of uniform pack specifications and minimum standards under the regulation which has been in effect since 1933 has been beneficial to the industry, the trade and consumers. Pack specifications and minimum standards for merchantable walnuts should be provided for in the proposed order and no walnuts should be handled except those which meet such specifications and standards.

During the last fifteen years, pack specifications and minimum standards used as a basis for the marketing regulations were altered, from time to time, in recognition of the fact that it is necessary to keep the grading requirements in line with industry and trade developments. Pack specifications should conform with the several commercially recognized grades. The three general factors now commonly recognized in commercial grading of merchantable unshelled walnuts are size, external appearance and condition of the nuts, and internal quality or quality of the kernels. Under present commercial grading practices, variety or type requirements should not be included in the pack specifications. When the agreement and order regulation was first put in effect, there were fewer varieties than at present, and some varieties and types were considered as separate packs. These together with various size and quality grades resulted in a large number of packs, which became confusing to the trade and the industry. It became difficult to distinguish between some of the varieties and types, and a movement to simplify the pack specifications developed. The specifications now in use do not require grading by individual varieties but provide for two categories based on varietal type. Testimony indicated that even this classification should be discontinued.

In the pack specifications now in use under the agreement and order program, minimum standards are automatically established at the lower limits specified for lowest or third quality for external appearance and condition and internal quality and for Baby size. Walnuts which are below third quality requirements, as to external appearance and condition of shells would be affected by such defects as excessively dirty shells, adhering hulls, dark spots and nuts having perforated, broken, or split shells. Those below third quality for internal or kernel requirements would be affected by such defects as insect damage, mold, shrivelling resulting in the kernel being one-half or less than half normal size, rancidity, or dark discoloration. Walnuts below Baby size will pass through a round opening  $\frac{9}{16}$  inch in diameter. Such nuts are known as "pee-wees" in the industry. They are estimated to contain on the average not over 30 percent kernel. The kernel content of

large size walnuts is usually 45 percent or more. The pee-wee nuts are hard to crack, are unattractive in appearance and not acceptable to the trade or to consumers.

All walnuts below the limits indicated are considered as culls or off-grade, and, as not good merchantable products which the consuming public will readily accept. These limits with respect to size, external appearance and condition, and internal quality are the minimum standards of quality and maturity which will effectuate such orderly marketing as will be in the public interest, and should be allowed to remain in effect when prices reach or exceed parity. Culls and off-grade walnuts are customarily diverted to shelling. In this way food value represented by edible kernels contained in the culls and off-grade walnuts below the size and quality limits above indicated are conserved, and yet, at the same time the consumers' interests are protected.

The Control Board is in close touch with the industry and trade at all times and is in position to prescribe pack specifications which will be in line with current conditions in the industry. It should therefore be authorized to prescribe the pack specifications subject to the approval of the Secretary. It is essential that the Secretary have complete information in regard to data upon which the board acted in prescribing pack specifications, in deciding whether or not to approve them. Such information should be furnished to the Secretary by the board.

(ii) Compulsory and routine inspection and certification is necessary to insure enforcement of the grading, minimum standard and withholding requirements. The requirements for obtaining inspection certificates should apply to every handler, and the cost should be borne by the handler. This is in accordance with industry practices under regulatory programs. It is also a direct and fair way of prorating inspection costs on the basis of respective tonnages inspected.

Inspection certificates should show the identity of the handler, whether the shipment is to move interstate, or the country of destination, if the shipment is to move in export, and the quantity and pack of walnuts inspected. This information is needed to enable the board to determine whether compliance is being made with the pack specifications and minimum standards, and the withholding requirements. For obvious reasons, the board should be authorized to direct that no inspection certificate be issued to any handler who fails to meet his surplus obligations as required under the proposed order.

It is necessary that all merchantable walnuts which come under the regulation be certified, which means all merchantable walnuts handled or to be handled, also all lots withheld as surplus. Obviously, inspection has to be performed before shipment is made. A handler in order to know in advance of shipment whether or not his walnuts meet the minimum standards of quality, and in order to know their quality and size specifications must have them in-

spected some time before shipment. It is therefore necessary to permit the handler to have walnuts inspected and certified in advance of shipment. The board, being the agency charged with administering the provisions of the order, should have the power to designate inspectors satisfactory to it. Under the order now in effect, the board has this authority, and that way of handling has proved to be satisfactory.

The identification by affixing appropriate seals, stamps or tags on containers used for salable and for surplus walnuts is necessary in administration of the program. The sealing and stamping of the containers make it possible to identify walnuts which have been subjected to the surplus control regulation. Also the absence of seals or stamps on the containers indicate that the walnuts contained therein have not met the requirements of the regulation. This system of identification has been found most helpful under present and past regulatory programs in assisting the board representatives in enforcing the order. Continued use of these devices for identification of salable and surplus walnuts is necessary to the proper enforcement of the surplus control assessment provisions under the proposed order. The seals, stamps, tags, and certificate forms being used in the aforementioned connections are considered to be appropriate and adequate.

In addition to the copy of the inspection certificate furnished to the board, the inspection agency should furnish copies to the handler whose walnuts have been inspected. This provides the handler with a record of the inspection information given to the board by the inspection agency. It is desirable, in a program of this kind, that the handlers who are regulated be kept fully informed as to quantities and pack specifications of their walnuts as shown on the inspection certificates.

The proposed order provides that nothing contained therein should be construed to prevent any person from selling or delivering, within the area of production, unshelled walnuts, other than merchantable walnuts, to any packer for packing or sheller for shelling. It is the usual marketing practice for growers and others to move orchard-run or ungraded walnuts, from farms or local concentration points to packers for grading, sizing, and preparing for market as merchantable walnuts, or for shelling. In some instances this movement may cross State lines. Such shipments from Washington to Oregon are routine and are in considerable volume, since most of the plants in the northwest, which pack or shell Washington walnuts are located in Oregon. Interstate movement within the area for the purposes above indicated, with the exception of the movement from Washington to Oregon should be reported to the Control Board by the shipper at the time of shipment. This report should show the quantity shipped, the identity of the consignee and that the walnuts so shipped will be packed or shelled. This requirement will provide the Control Board with a record of movement of culls and orchard-run walnuts between

widely separated points, and will tend to prevent them from being diverted to wholesale and retail outlets in violation of the order.

(d) (i) In regulating the disposition of merchantable unshelled walnuts for any marketing year, there should always be designated what portion of such walnuts may be sold to the domestic trade in unshelled form (represented by the salable percentage) This should be done even in seasons for which it is determined that the entire production may be so sold, in order that handlers may know with definiteness and certainty the proportion of their production which they may dispose of in that manner. The remainder, if any, would constitute the surplus (represented by the surplus percentage) for disposition in other channels. Obviously any percentages fixed should aggregate 100.

The aforementioned percentages should be fixed for any marketing year, so as to allow an adequate quantity of the merchantable walnut supply to be handled, to satisfy the trade demand and leave a reasonable quantity to be carried over into the next succeeding marketing year. That is to say, the salable quantity is to be geared to the estimated trade demand. The salable percentage will apply against that portion of the supply represented by merchantable production, plus handler carryover which has not contributed to surplus. Therefore, in fixing the percentages, this total quantity should be considered separately from the handler carryover which has contributed to surplus.

Walnuts which will not pass through a round opening  $\frac{9}{16}$  inches in diameter are considered mammoth size and are exempted from surplus control under the present order. Walnuts of this size are not generally marketed in normal trade channels. A large percentage of them have a special and different type of outlet from other walnuts. They are used in gift packages and as novelties and for display purposes. Testimony was to the effect that prices received by growers are usually much higher than for other walnuts. It costs more per pound to produce mammoth size walnuts than ordinary sizes because of low yields and special cultural practices. Production is usually not sufficient to meet demand. Mammoth size walnuts certified for handling in the current crop year, and in other recent crop years have totaled less than one-tenth of one percent of the walnuts handled. There have been no complaints in regard to the exemption of mammoth sizes from a surplus control. Packs of walnuts which will not pass through a round opening of  $\frac{9}{16}$  inches in diameter, with the customary tolerance of not over 12 percent by count for walnuts below this size, should be exempted from surplus control.

To aid the Secretary in fixing the salable and surplus percentages, the board should furnish him, not later than September 1 of each marketing year, its estimates of: (1) The quantity of merchantable walnuts to be produced and packed during the particular year; (2) the handler and trade carry-overs, separately, as of August 1 of such year; and (3) the total trade demand (on the basis

of prices not in excess of the maximum prices contemplated in section 2 of the act) consideration being given in this regard to the estimated trade carry-over at the beginning and end of the marketing year. In addition, the board should, at the same time, submit to the Secretary its recommendation as to the salable and surplus percentages to be fixed, and transmit a complete report of the pertinent proceedings at the board meeting.

The aforementioned provisions are generally similar to provisions in that regard which are contained in the existing order, and which have been found to be reasonably satisfactory for their intended purpose. The selection of September 1 as the latest submission date is necessary to enable the Secretary to make the necessary findings and to fix the salable and surplus percentages before the walnuts of the new crop commence to move in any appreciable volume. The desirability of having the board make such estimations and recommendations to the Secretary, and of having the Secretary consider such estimations and recommendations along with the data upon which they are based, seems obvious.

(ii) Provision should be made for the increasing by the Secretary, at any time prior to February 15 of any marketing year, on request of the board (or if the board should fail so to request, on the request of two or more handlers who handled during the immediately preceding marketing year at least 10 percent of the total tonnage handled by all handlers during such marketing year) and after a finding of fact, based on such revised and current information as may then be pertinent, that the merchantable walnuts available for sale will not be sufficient to supply the trade demand, of the salable percentage to conform to such new relation as may be found to exist between trade demand and available supply.

Generally similar provisions are contained in the present order, and it has been found necessary to take action thereunder on several occasions in the past. Such action would be necessary to cover any recurrence of supply and demand conditions such as those which existed during the last world war, and other contingencies, such as a material loss of production resulting from unanticipated adverse weather conditions after the percentages were originally fixed, or some widespread disaster. The board, representing the entire walnut industry, is obviously the most suitable agency for the initiation of consideration of the action. However, as an insurance against any failure of the board to function properly in this respect, the Secretary's attention to the situation could be called by two or more handlers. The requirement that two or more handlers join in the request, coupled with the requirement that such handlers must have handled at least 10 percent of the total tonnage handled during the previous marketing year, will be a guarantee that any such request is supported by at least an appreciable segment of the industry. The limitation as to the making of any such increase effective after February 15 of any marketing year is supported by the fact that it is about 45 days after the

close of the active shipping season and at least 30 days after the submission to the board of reports by handlers of their holdings of walnuts on January 1. Such limitation, therefore, allows ample time for a sound and thorough review of the situation in the light of the established supply and trade demand. Normally, only about three percent of the shipments of a marketing year move in the period February through July, and a "cut-off" as of February 15 would affect only a minor part of the total seasonal demand.

(iii) At the time a handler handles any walnuts as being a part of his salable percentage portion, he must account for an appropriate quantity of additional walnuts for his surplus obligation in that regard. In order for this to be done readily, there should be applied against the quantity handled as salable a percentage, known as the withholding percentage, which should be arrived at on the basis of the ratio (measured as a percentage) of the surplus percentage to the salable percentage fixed for the particular marketing year. For example, if such surplus and salable percentages should be 20 and 80 percent, respectively, and a handler wished to dispose of 80 tons of walnuts as salable, he would need to account for an additional 20 tons of walnuts as surplus. Thus, under such circumstances, the withholding percentage would be 25 (20 being 25 percent of 80). The use of such percentage would provide a mathematical formula for ready determination of the quantity to be accounted for as surplus on the basis of the quantity handled, at any given time.

However, it was developed at the hearing that surplus and salable percentages might be fixed, for some crop years, in amounts which would result in fractional withholding percentages if the formula referred to above should be followed strictly, and it was agreed that such a result would be undesirable for field application and wasteful of time from the standpoint of office accounting. To obviate any such objectionable results, the withholding percentage computed for any marketing year on the basis of the computation referred to in the preceding paragraph should, in such an event, be adjusted to the nearest whole number, and should be announced by the Secretary on that basis in connection with his announcement of the surplus and salable percentages. Such an adjustment should result in only a minor and negligible variation from the quantities which would be represented by a strict application of the surplus and salable percentages, and would not be significant in its effect on the supply.

(iv) It should be provided that no handler shall handle unshelled walnuts unless prior to or upon the shipment thereof (except as such action may be deferred pursuant to the terms and conditions discussed in (v) below) he shall have withheld from handling a quantity of merchantable walnuts equal to the withholding percentage, by weight, of such quantity handled or certified for handling by him. However, such requirement should not apply to any lot of walnuts for which the surplus obligation



has been met by a previous holder, nor to any lot of walnuts of which not over 12 percent by count pass through a round opening  $\frac{3}{4}$  inches in diameter, the reasons for the exemption of such walnuts having been set forth under (i) hereof. The quantity of walnuts so required to be withheld should constitute, and should be referred to as, the "surplus" or the "surplus obligation" of the particular handler. Also, the quantity of merchantable walnuts handled by a handler as salable in accordance with the provisions hereof shall be deemed to be his quota as fixed by the Secretary within the meaning of section 8a (5) of the act.

The aforementioned provisions are obviously necessary to establish, and make workable, the salable, surplus, and withholding percentages against handlers' packs. Of necessity, inspection and certification must precede handling. In addition, past experience has demonstrated that advance certification is necessary to facilitate inspection operations, and to facilitate deliveries by handlers. Since the accounting record must be based on the certificates of inspection, it would also be necessary, from the standpoint of both accounting and enforcement to apply the regulation at the time such certificates are issued. The use of the terms "surplus" or "surplus obligation" would serve to provide ready and convenient references to identify the withheld, or surplus, portions. In determining the surplus obligation of any handler, the computation must include all walnuts certified for handling, as well as those which have been handled, since the surplus obligation accrues immediately upon certification for handling, even though the handler is not required to have them certified until he is ready to ship, or otherwise handle, them.

An important difference between the aforementioned proposed handling in this regard and the comparable provisions contained in the existing order is that, under the present order, a handler is required to withhold from his several packs on the basis of the respective values or qualities of the different packs (i. e., on a cross-sectional basis) whereas, under the proposal, he would be permitted to withhold any walnuts which met the requirements for merchantability. It is concluded that such a change in handling would be justified on the basis that the action would: (1) Result generally in the withholding of the lower quality packs and smaller sizes, thus encouraging the movement of the sounder and better quality walnuts to the unshelled walnut market, and thereby increase such consumption; (2) permit handlers generally, most of whom are also commercial shellers of walnuts, to withhold the type of walnuts which best meet their requirements, and thus, without being penalized for deviating from a fixed pattern, create a better balance in the supply between their shelled and unshelled trade; (3) the tendency toward withholding the lower priced walnuts would lighten the surplus burden and this should make the program more acceptable to the smaller handlers, grower-handlers, and growers in general; and (4) the direct handling and shelling of the surplus by the handler-shellers may

reduce costs and increase the comparative returns from surplus.

Another important, and fundamental, difference between the aforementioned proposed handling and the comparable provisions in the existing order is that, instead of having all the surplus portion delivered to, and handled by the board as a pool operation, each handler is to be responsible for the storage of his own surplus, and, as set forth in the discussion under (e) below for its disposition, except for any portion which he might turn over to the board for export sale. The plan of having handlers handle their own surplus was in effect, under a war food order on walnuts, during the recent war period, and it was found to be both practicable and desirable, in that it facilitated handling and obviated much of the bookkeeping which is necessary in connection with pooling operations. The change would place the responsibility for the holding and shelling of surplus directly upon the handlers in proportion to the respective quantities which they handle on the unshelled walnut market, and, since such handlers are also the largest dealers in shelled walnuts, it will tend to preserve and maintain the present large shelled walnut outlets. It would also relieve the board of a considerable part of its duties and obligations, and thus make it easier for it to perform its remaining duties.

(v) By reason of the fact that walnut industry's domestic sales of unshelled walnuts are highly seasonal in character, reaching a pronounced peak in October, November, and December, it is desirable that some provision be made whereby packers may defer temporarily the meeting by them of the surplus obligation requirements applicable to their handling of merchantable unshelled walnuts. That is to say, the purpose in deferring the meeting of the surplus obligation would be to enable packers to use all available merchantable unshelled walnuts for shipping to market to satisfy consumer demand during the aforementioned peak season, and permit packers to use the walnuts which are available when market demand declines in late December to meet such surplus obligations. A somewhat similar provision to cover that aspect of the matter is contained in the present order, and it has been found to be satisfactory to accomplish the intended purpose.

Any such deferment should, in order to provide the most accommodation practicable in the light of each packer's business operations, be for such period as he might request, except that no such deferment should be for a period later than December 31 of the particular marketing year. Market statistics show that about 95 percent of a marketing year's shipments normally move prior to January 1, and approximately 93 percent move during the three months of October, November, and December. This situation, dictated by trade and consumer demand, places a heavy seasonal burden upon the industry and requires full use of the packers' grading and processing facilities during the peak period. Since the industry accumulates culls as it packs, it usually obtains its early supplies for shelling from that source. In the

past, it has proved to be to the advantage of the packers and the industry as a whole to permit packers to concentrate on the domestic unshelled walnut market during the peak season and to give its attention to processing and tendering surplus in the interims between the holiday shipping peaks and during the period immediately following the pre-Christmas rush.

There is no need for the granting of such a deferment privilege to distributors, which comprise the category of handlers who are not packers, since the business operations of distributors are not such that they are normally confronted with the necessity of deferment.

The granting of the deferment privilege to a packer should be contingent on the execution and delivery to the Control Board by such packer of a written undertaking, or bond and with surety acceptable to the Control Board.

The opening of the marketing season in all localities over the area comes within a period of a few weeks, and the applications for the approval of bonds would be crowded into a period of a few weeks at the beginning of the marketing year. In order for packers to conduct their business operations advantageously and efficiently, it is necessary that their applications for bonds be approved so that they can begin handling walnuts within 24 to 48 hours after the bonds are tendered. Based on past experience, changes in the amounts of the individual bonds will need to be made, from time to time, throughout the season. Also, prompt releases of the bonds should be given when surplus obligations have been met. The conditions enumerated obviously require prompt action in respect to the acceptance, modification, and release of such bonds. The Control Board has demonstrated by its previous handling of these matters, that it is able to take such actions in a prompt and efficient manner, and it should continue to exercise those functions. Experience has also demonstrated that the Control Board is in a position to determine what sureties, either corporate or private, are reasonably satisfactory for acceptance as bondsmen, and it should likewise continue to exercise that function.

Obviously, the amount of any such bond should, at all times during its effective period, be sufficient to cover the then total bonding value of the particular packer's deferred surplus obligation, i. e. such deferred surplus obligation multiplied by the bonding rate. Since, under the proposed order, a packer would be permitted to select walnuts, in poundage sufficient to meet his surplus obligation, from any packs in his possession, the walnuts so selected will usually be from his lowest priced packs. The amount of the bond should, therefore, be based on the estimated market value of the lowest priced packs which could be used by the particular packer in meeting his surplus obligation. Such market value should be computed at 95 percent of the opening price for the particular type of pack announced by the packer or packers who, during the preceding marketing year, handled two-thirds of the merchantable walnuts handled by all packers. His-



torically, a season's domestic prices have been the prices for the various commercial packs announced at the beginning of the season by a large commercial packer which handles from 76 to 80 percent of the total tonnage, and such opening prices have been maintained throughout the active marketing season, and generally throughout the entire marketing year. Other packers base their prices on the large handlers' prices, except that they often sell for a slightly lesser amount. The fixing of the rate at 95 percent of such price would allow for this normal difference, plus the amounts usually allowed for sales commissions and sales discounts. This formula for fixing the market value is being used, in a different connection, under the existing order, and it has been found to be satisfactory. Under the order now in effect, a packer wishing to defer the meeting of his surplus obligation must pay the cost of the necessary bond. This requirement is fair and equitable, and should be continued. While the prices announced by the aforementioned large association would normally be the controlling ones, it is, of course, possible that, in some marketing year, it will be necessary to consider such prices as announced by two or more packers, whose prices might differ from each other. In that event, such differing prices for the respective packs should be averaged on the basis of the amounts handled by the respective packers.

The proposal was made at the hearing that legal proceedings to enforce the bonds be instituted by, and in the name of, the Control Board. The act specifically provides that any suits to enforce the remedies and to collect the forfeitures provided for in, or pursuant to, the act (with the exception of suits for the collection of a handler's pro rata share of the administrative expenses) shall, upon the request of the Secretary of Agriculture, be instituted by the several district attorneys of the United States, under the direction of the Attorney General. The proposal in this regard should not, therefore, be adopted.

In the order now in effect, it is provided that money obtained by the Control Board through default on a bond shall be used to purchase walnuts to replace the surplus walnuts represented by the amount of the bond. This is a reasonable provision and the similar provision in the proposed order is justified. Such purchases should be in a quantity not to exceed the quantity represented, by the sums so collected and at the bonding rate price which will be the approximate commercial price per pound of each pack. For the packer from whom the walnuts are purchased by the Control Board, the transaction will be the same as if the sales were made in commercial channels and surplus should be withheld by such packer. Since the bonding value under the proposal is based on the bonding rate of the lowest priced packs, purchases with money received through the default on the bond should be from the lowest priced packs available. In equity to packers who have walnuts to sell to the board, the quantity to be purchased should be prorated among such packers. It is fair and

equitable that the Control Board be reimbursed from money received through default on bonds for expenses incurred in purchasing walnuts with such funds. The purpose of the bond will be to insure that surplus walnuts will be withheld in satisfaction of the surplus obligation, and not for the purpose of imposing a penalty on the packer. The industry's original proposal that the Control Board retain any balance of funds remaining after purchases have been made should be rejected. Any balance remaining after purchases and reimbursement of board for expenses incurred by it in connection therewith, should be refunded to all packers from whom sums were collected on the bonds during the season, in proportion to the sums collected.

It is proper to return walnuts purchased by the board to the packers to be withheld and disposed of in authorized channels for disposition of surplus. Purchases by the Control Board with funds received from forfeiture of bonds should be prorated among defaulting packers in proportion to the quantities represented by the sums collected. The distribution of various packs or grades should be prorated on the basis of the ratio of the total quantity to be delivered to each packer to the total quantity purchased by the Control Board. If such surplus walnuts which may be turned over to a packer are used only for purposes provided in the proposed order, the collection by the Control Board on the bond should be deemed a satisfaction of the surplus obligation insofar as the Control Board's responsibilities in the matter are concerned.

(vi) Conditions may arise in which a handler will find it desirable to procure merchantable walnuts, instead of orchard-run walnuts to be graded, so that he will have a sufficient quantity of merchantable nuts to meet his surplus obligation. In order to permit as much flexibility as is consistent with the objectives of the program, this type of operation between handlers should be permitted under the supervision and direction of the Control Board. The handler from whom such purchases are made should not be required to withhold surplus on the merchantable walnuts sold for use as surplus. Testimony demonstrated that when the operations of two handlers in such a transaction are considered together, the total surplus withheld will be the same as if each handler carried on his operation independently. In practice it is probable that such a transaction will be at a price somewhat lower than the prevailing price for merchantable walnuts to be distributed in usual channels of trade for in-shell walnuts. The selling handler will usually be willing to sell below market price, because he will not be required to withhold surplus. No inequity among handlers will result from such a transaction. If sales of merchantable walnuts on which the surplus obligation has been met, should be made for the purpose herein indicated, the seller's surplus obligation should be reduced accordingly upon satisfactory proof to the Control Board that such surplus obligation had been met.

(vii) The Control Board, in administering the order, is in a position to be of assistance to handlers in locating walnuts to meet all or part of their surplus obligations. It is also in a position to extend such help as may be needed by handlers in accounting for and disposing of surplus walnuts. The board should be authorized to provide such assistance if it is requested in writing.

(viii) There will usually be some walnuts handled between the beginning of a marketing year and the date on which the salable and surplus percentages are fixed and the withholding percentage is computed, and, such percentages are announced. The major part of the walnuts handled during this period go into competition with walnuts shipped after the new percentages are fixed. The new percentages should, therefore, be made retroactive to the beginning of the marketing year for walnuts handled after the beginning of the marketing year and on which the surplus obligation has not previously been met.

During the period from the beginning of the marketing year until the new percentages are fixed, the percentages in effect in the preceding year should continue in effect on walnuts handled or certified for handling, but subject to adjustment as above indicated. For the marketing year beginning August 1, 1948, the withholding percentage in effect pending the computation and announcement of the withholding percentages for the marketing year beginning on that date should be 25 percent, which under the order now in effect is the ratio of the surplus percentage to the salable percentage.

The situation in regard to bonding rates during the period from the beginning of a marketing year until bonding rates for the new marketing year are established is similar to that in respect to salable, surplus and withholding percentages. The bonding rates for the preceding marketing year should continue in effect until the new bonding rates are established, but the new bonding rates should then become applicable to any bonds theretofore given for the new marketing year and adjustments to accomplish this should be made. Pending the establishment of bonding rates for the marketing year beginning August 1, 1948, the credit values for the corresponding packs for the crop year ending July 31, 1948, established pursuant to Marketing Order No. 1 should be used as such values were fixed on the same basis as the new bonding rates.

(ix) Under the proposed order, any handler has the privilege of withholding from handling the required poundage of any pack or packs available to him to meet his surplus obligation. In order to provide reasonable flexibility in the program operation, any handler who has had walnuts certified for surplus should be permitted to exchange them for an equal quantity by weight of any other pack or packs held by him. Any such exchange should be made under the supervision of the Control Board, with inspection and certification of the walnuts involved, so that the board may be in a position to follow up the walnuts finally selected as surplus and to deter-

mine that they are disposed of as such. As has been stated previously, the withholding requirements are intended to relate to quantity and merchantability, but not to quality.

(x) In the order now in effect, it is provided that, in case of an increase in the salable percentage, the Control Board shall return to packers, walnuts or cash held for their accounts in excess of the new surplus requirement. This principle is equitable and should be retained. Upon increase in the salable percentage and decrease in the surplus and withholding percentages, the surplus obligation of each handler should be recomputed in accordance with the revised percentages and should then be applicable to operations for the entire marketing year. Under such circumstances, handlers who still hold surplus merchantable walnuts should be allowed to select from such surplus walnuts, and from surplus which may have been delivered to the Control Board and still held unsold, the particular walnuts which they desire restored to their salable quantities. This provision is in conformity with other provisions of the proposed order to give handlers the privilege of meeting their surplus obligations from any packs which they desire to use for that purpose.

(e) Under the order which is now in effect, handlers are required to deliver all surplus walnuts to the Control Board. Under the proposed order, except for walnuts intended to be exported, surplus walnuts will not be required to be delivered to the Control Board. It should therefore be provided that surplus walnuts should not be handled by handlers, except for certain purposes consistent with other provisions of the order.

The order contemplates that surplus walnuts may be disposed of in export. Walnuts which are shelled are thereby removed irrevocably from the merchantable walnut supply. However, walnuts handled for export retain their identity as merchantable walnuts and it is necessary to maintain a positive, consistent, control to insure that surplus walnuts intended for export actually move in export and are not returned to the domestic market. The price of surplus walnuts for export will usually be materially lower than in the domestic market. Where a financial incentive exists, there is always the possibility of violation of the order.

Surplus walnuts for export should be turned over to the Control Board. The board should not be required to market the surplus turned over to it in export, unless satisfactory outlets, in respect to transportation facilities, and other marketing factors, are available. Any walnuts which the Control Board is unable to export should be returned to the handler from whom they were received. To insure disposition in export channels, export sales should be made by the board only on execution of an agreement to prevent reimportation into the United States. Sales of surplus to Canada and Mexico should be made only on a basis of a delivered price duty paid, as a further safeguard.

In negotiating export sales, the board should permit handlers to act as export agents. Some handlers have well established export outlets, and the board would be justified in employing such handlers to export any walnuts which may have been turned over to it for export. In such instances the handler should be entitled to receive a selling commission of 5 percent of the export sale price f. o. b. area of production. The general practice is for export handlers to sell through importers in the various countries on a commission basis, which is usually about twice the rate paid to domestic brokers. Cablegrams and general overhead costs must also be borne by the exporter. Testimony indicated that 5 percent is a fair rate of commission for this service. Surplus walnuts turned over to the board for export belong to the handlers, and proceeds from such sales of any handler's surplus, after deducting actual and necessary expenses of sale, should be returned to the handler.

Shelling is the most important outlet under present conditions for walnuts which are withheld as surplus. The proposed program, in the interest of simplification as compared with the one now in effect, permits any handler to retain and shell his surplus. Testimony indicated that under the proposed method, safeguards to insure that surplus intended for shelling is not marketed and distributed as in-shell nuts, are as nearly adequate as is practicable under the present order. Each handler should, therefore, be permitted to shell his own surplus.

Under War Food Order 82, in effect from October 2, 1943, to March 31, 1947, the Program Committee authorized shellers to operate under certain conditions. If a handler is not equipped to shell, or he does not desire to shell his own surplus, he should be permitted to sell it to shellers for shelling. To insure that such surplus is actually shelled, it is necessary to authorize persons to receive and shell such surplus. Any person should be authorized to perform such functions upon application to the Control Board, coupled with his agreement that he will: (1) Use any surplus received for no purposes other than shelling; (2) dispose of, or deliver, such surplus walnuts to no one other than an authorized sheller; (3) comply fully with all applicable laws and regulations, and (4) furnish reports to the Control Board immediately upon receipt of any lot for shelling, and, within 15 days after disposition of such surplus, give pertinent information with respect thereto. Such conditions are reasonable, designed to insure that any walnuts so delivered for shelling will not be diverted to unshelled channels, and to enable the board to make the necessary checks in that regard. Authorizations by the Control Board should expire at the end of the marketing year in which issued, in order that the board may be in a position to review and renew such authorizations at reasonable intervals.

(f) It is necessary for the Control Board to have available information relating to handlers' operations affecting the program, so that it can effectively

administer the order. Information pertaining to handler carryover on August 1 is necessary in recommending the salable percentage for the marketing year. This type of information is needed as of January 1 in determining whether or not the salable percentage should be increased. Handlers should be required to furnish, under oath, the following information as of August 1 and January 1 each marketing year, within 15 days after these dates: (1) The quantity, pack and location of merchantable walnuts held, on which the surplus obligation has been met; (2) similar data for merchantable walnuts which have not been certified; and (3) the location and estimated quantity of merchantable walnuts which have not been packed, but are intended for packing as merchantable walnuts. The proposed order also includes a requirement that packers report on walnuts which have been certified as surplus. This information should not be needed, and it should not be required, in the report on "handler carryover."

In order that the Control Board may be currently informed as to disposition of surplus for shelling, handlers should be required to supply reports in regard to this disposition. Advance notice is desirable, as well as notice when disposition has actually been accomplished. A 5-day advance notice of disposition, unless expressly waived by the Control Board, and a notice of actual disposition within 15 days after it has been accomplished, should be required. Such reports should show storage lot and inspection certificate numbers, as well as the quantity, pack, and location of the walnuts. The success of the program depends on proper diversion of surplus, and, if violations occur, it is very important that they be detected promptly. The reporting requirements above indicated are, therefore, justified. It is also essential, and should be required, that each handler, from time to time, on demand of the Control Board, be required to file a report of his surplus holdings. Authority should be given to the Control Board to request from handlers with the approval of the Secretary such other information as will enable the Control Board to perform its duties, and handlers should be required to furnish such information.

In order to insure that accurate information is being furnished by handlers the Control Board's representatives should have access to any handlers premises during business hours, and they should be permitted to inspect walnuts, and records relating to walnut transactions. Labor necessary to facilitate such inspections should be furnished by the handler. Handlers should be required to store walnuts in a manner which will facilitate inspection, and to maintain storage records which will permit accurate identification with respect to the inspection certificates.

All of the above requirements are necessary to insure proper enforcement. Generally similar provisions have been contained in orders in effect now and in past years. Such authority has not been used to inconvenience needlessly any handler and should be continued.

(g) The act provides, in effect, that each handler subject thereto shall pay such handler's pro rata share of operational expenses as the Secretary may find are reasonable and likely to be incurred by the administrative agency during a specified period. The proposed provision authorizing the Control Board to make recommendations to the Secretary in regard to a budget of expenses is similar to a provision in the present order, except that the proposed order requires such action by September 15, instead of September 1. The provision of the present order has been satisfactory, except that the limiting date of September 1 has required very prompt action by the board after its meeting late in August. September 15 is a preferable date. The proposal authorizing the Control Board to incur such expenses in a marketing year as the Secretary may find are reasonable and likely to be incurred, is justified.

A budget of \$61,200 was approved for the order now in effect for the year beginning August 1, 1947. Expenses for the first two-thirds of that year amounted to approximately \$40,000. It appears that actual expenses of the Control Board for the current year will approximate the budgeted expenses. At present price levels, the cost of operating the proposed program for a marketing year will probably approximate that for the current year. Interstate shipments in the current crop year to the end of March included the major part of the crop year's shipments and totaled about 66,000,000 pounds. At one-tenth of a cent per pound this would represent \$66,000 which would be slightly more than the amount needed for operating expenses of the present program.

Under present conditions shipments of merchantable walnuts, assuming a salable percentage of 70 percent or more, may be expected to range generally from 70,000,000 to 80,000,000 pounds. Interstate shipments have historically averaged about 91 percent of the total, so that interstate movement would range approximately from 64,000,000 to 73,000,000 pounds. Assessments on quantities within this range at one-tenth of a cent a pound would probably be sufficient for expenses for a marketing year, under present conditions.

The surplus obligation under the proposal is on a poundage basis, regardless of pack, and assessments should also be on a poundage basis as a matter of consistency and equity. Under the proposed, there may be marketing years in which the surplus percentage will be zero. In such cases assessments could not be on the basis of the surplus as is provided in the program now in effect. Assessments on handlers should be on the basis of shipments of merchantable walnuts at one-tenth of a cent a pound. Such payments should be made to the board on demand. The proposed method of assessment is fair and equitable and the rate is reasonable.

Testimony indicated that there may be marketing years in which the salable percentage will be low, and the assessments at one-tenth of a cent a pound might not be sufficient. It should therefore be provided that the Secretary be

authorized to increase the rate of assessment at any time during or after a marketing year, and such new rate should apply on all quantities handled during the entire marketing year.

If the amount collected as assessments from handlers is more than sufficient to operate the program in any marketing year, it is equitable to return or make available the excess funds to handlers from whom assessments were collected, on a pro rata basis in respect to assessments paid. In the past handlers have expressed preference that each crop year's operations be financed by funds collected for that crop year. The provisions for refunding excess funds to handlers is generally similar to corresponding provisions of the present order and has proven satisfactory.

Walnuts are shipped in quantity in October and an appreciable amount of assessments would be collected by that time. However, it is possible that sufficient assessments to pay expenses of the marketing year to date might not be available until sometime in November. It is advisable to provide that any unexpended assessments at the end of a marketing year may be used by the board during the first four months of the new marketing year which would include November as well as October. Such funds should then be replaced by new assessments, and the amount carried over should be refunded or made available to contributing handlers within five months after the close of a marketing year. The proposal that if the program is terminated any unexpended assessment funds should be distributed in such manner as the Secretary directs is reasonable. All proposed provisions in regard to collection of expenses for the maintenance and functioning of the Control Board and for distribution of unexpended funds are equitable.

(h) The provisions of §§ 984.8 to 984.14, both inclusive, as hereinafter set forth, are common to marketing agreements and orders now operating. The provisions of §§ 984.15 to 984.18, both inclusive, as hereinafter set forth, are also common to marketing agreements now operating. All such provisions are incidental to, and not inconsistent with, the act, are necessary to effectuate the other provisions of the proposed regulatory program, and are necessary to effectuate the declared purposes of the act. Testimony at the hearing supports the inclusion of each of such provisions as hereinafter set forth. Those provisions which are applicable to both the proposed marketing agreement and order, identified by both section numbers and titles, are as follows:

§ 984.8 Personal liability; § 984.9 Separability; § 984.10 Derogation; § 984.11 Duration of immunities; § 984.12 Agents; § 984.13 Effective time and termination; § 984.14 Effect of termination or amendment.

Those provisions which are applicable to the proposed marketing agreement only, identified by both section numbers and titles, are as follows:

§ 984.15 Amendments; § 984.16 Counterparts; § 984.17 Additional parties; and § 984.18 Order with marketing agreement.

It is hereby found and proclaimed that: (1) The parity price for walnuts grown in California, Oregon, and Washington cannot be satisfactorily determined from available statistics of the United States Department of Agriculture on the August 1903-July 1914 base period specified in section 2 (1) of the act; and (2) the parity price for such walnuts can be satisfactorily determined from such statistics on the August 1919-July 1929 base period specified in section 8 (e) of such act.

Prices paid to producers of walnuts grown in California, Oregon, and Washington during seasons since 1929-30 to the present time equaled or exceeded parity on only three occasions, two of which were during the recent war period, i. e., 1943-44 and 1945-46. The estimated price for the 1947-48 season will be approximately 52 percent of parity. Evidence introduced at the hearing indicates that, while the total acreage in California, Oregon, and Washington devoted to walnut growing has remained fairly constant for the last 10 years, there has been, and will continue to be for several more years, some increase in the production. Supplies of other competing tree nuts are increasing faster than walnut supplies. Export outlets have been comparatively inconsequential in recent years, and a substantial increase in the quantity of walnuts which may be disposed of in foreign countries over the next few years does not appear probable. It can reasonably be anticipated that walnut prices to producers in California, Oregon, and Washington will continue to be below parity for the next few seasons.

The proposed order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to walnuts grown in California, Oregon, and Washington by establishing and maintaining such orderly marketing conditions therefor as will tend to establish prices to the producers thereof at a level that will give such walnuts a purchasing power with respect to the articles that the producers thereof buy equivalent to the purchasing power of such walnuts in the base period, August 1919-July 1929, and protect the interests of consumers by (1) approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand, (2) by authorizing no action which has for its purpose the maintenance of prices to the producers of such walnuts above the level which it is declared in the act to be the policy to establish, and (3) by providing for the establishing of such minimum standards of quality, maturity, and inspection requirements as will effectuate such orderly marketing of such walnuts as will be in the public interest.

*Rulings on proposed findings and conclusions.* The period ending May 10, 1948, was set by the presiding officer at the hearing as the date by which briefs must be filed by interested parties with respect to facts presented in evidence at the hearing and the conclusions which

should be drawn therefrom. No such briefs have been filed.

*Recommended marketing agreement and order.* The following proposed marketing agreement and order (the provisions identified with an asterisk (\*) apply only to the proposed marketing agreement and not to the proposed marketing order) are recommended as the detailed means by which the aforesaid conclusions may be carried out.

§ 984.1 *Definitions.* As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

(b) "Walnuts" means only walnuts of the "English" (*Juglans Regia*) varieties grown in the States of California, Oregon, and Washington.

(c) "Unshelled walnuts" means walnuts the kernels of which are contained in the shell.

(d) "Merchantable walnuts" means all unshelled walnuts meeting the pack specifications and minimum standards of quality and maturity prescribed pursuant to § 984.3 (a).

(e) "Area of production" means the states of California, Oregon and Washington.

(f) "Person" means an individual, partnership, corporation, association, or any other business unit.

(g) "Handler" means any packer or distributor of unshelled walnuts.

(h) "Packer" means any person packing and handling unshelled walnuts.

(i) "Distributor" means any person, other than a packer, handling unshelled walnuts which have not been subjected, in the hands of a previous holder, to compliance with the surplus-control provisions hereinafter contained.

(j) "Sheller" means any person engaged in the business of shelling walnuts for any commercial purpose.

(k) "Pack" means a specific commercial classification according to size, internal quality, and external appearance and condition, of merchantable walnuts, packed in accordance with the pack specifications prescribed pursuant to § 984.3 (a).

(l) "To pack" means to bleach, clean, grade, or otherwise prepare walnuts for market as unshelled walnuts in any manner whatsoever.

(m) "To handle" means to sell, consign, transport, ship (except as a common carrier of walnuts owned by another person), or in any other way to put into the channels of trade in the current of interstate or foreign commerce.

(n) "To ship" means to convey or cause to be conveyed by railroad, truck, boat or any other means whatsoever, but not as a common carrier for another person.

(o) "Marketing year," for the purposes of this order, means the twelve months from August 1 to the following July 31, both inclusive.

(p) "Handler carryover" as of any given date means all merchantable walnuts (except merchantable walnuts held

as surplus) wherever located, then held by handlers or for their accounts (whether or not sold) including the estimated quantity of merchantable walnuts in ungraded lots then held by handlers and intended for packing as merchantable walnuts.

(q) "Trade carryover" means all merchantable walnuts theretofore delivered by handlers and then remaining in the possession or control of the wholesale or chain store trade, exclusive of walnuts in retail outlets, as of any given date.

(r) "Trade demand" means the quantity of merchantable walnuts which the wholesale and chain store trade will acquire from all handlers during a marketing year for distribution in the Continental United States, Alaska, Hawaii, Puerto Rico and the Canal Zone: *Provided*, That there may also be considered in the making of such computation such acquisitions for distribution in Canada or Cuba, whenever there is reasonable probability that such distribution may be made to the particular country at prices reasonably comparable with prices received in the continental United States.

(s) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.)

(t) "Control Board" or "Walnut Control Board" means the Control Board established pursuant to § 984.2.

§ 984.2 *Control Board*—(a) *Membership.* (1) A Control Board is hereby established consisting of nine (9) members. The original members and their respective alternates shall consist of the members and alternates respectively of the Control Board selected by the Secretary pursuant to the provisions of Marketing Order No. 1, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington, and who are holding these positions on July 31, 1948. Said members and alternates shall hold office for a term ending with the first Monday in April, 1949, and until their successors shall be selected and shall qualify.

(2) The successors of the original members and their respective alternates shall be selected annually by the Secretary for a term of one (1) year beginning with the first Tuesday after the first Monday in April, and shall serve until their respective successors shall be selected and shall qualify. One (1) member and one (1) alternate member shall be selected from nominees by each of the following groups, or from among other qualified persons belonging to such groups:

(i) The cooperative handlers doing business within the State of California;

(ii) All handlers, other than the cooperative handlers, doing business within the State of California;

(iii) The group of cooperative handlers or other than cooperative handlers doing business within the State of California, who during the preceding marketing year handled more than fifty (50) percent of the merchantable walnuts

handled by handlers located within the State of California;

(iv) Those growers of walnuts whose orchards are located in California and who market their walnuts through cooperative packers;

(v) All other growers of walnuts whose orchards are located in California,

(vi) Those growers, whose orchards are located in California and whose walnuts were marketed during the preceding marketing year through the handler group specified in subdivision (iii) of this subparagraph;

(vii) The handlers, whose plants are located within the States of Oregon or Washington;

(viii) The growers of walnuts whose orchards are located within the States of Oregon or Washington.

The ninth member shall be selected after the selection of the eight (8) members from the above specified groups and after opportunity for such eight (8) members to nominate the ninth member.

(b) *Nominations.* Each of the eight (8) groups specified in the foregoing subsection may nominate one (1) person as member and one (1) person as alternate; and the eight (8) members first selected may nominate, by majority vote, one (1) person as member and one (1) person as alternate for the ninth member. Nominations for each handler group shall be submitted on the basis of ballots to be mailed by the Control Board to all handlers in such group whose pack for the preceding marketing year is on record with the Control Board. Nominations on behalf of growers who market their walnuts through cooperative handlers shall be submitted on the basis of ballots cast by each such cooperative handler for its growers. Nominations on behalf of growers who market their walnuts through other than cooperative handlers shall be submitted after ballot by such growers pursuant to announcements by press releases through the United States Department of Agriculture to the principal papers in the walnut producing areas in California, Oregon, and Washington. Such releases shall provide pertinent information including the names of incumbents from the areas involved and the location where ballots may be obtained. The ballots shall be accompanied by full instructions as to their marking and mailing. All votes cast by cooperative handlers, handlers other than cooperative handlers, or for cooperative grower groups, shall be weighted according to the tonnage of merchantable walnuts (computed to the nearest whole ton in case of fractions) recorded as certified for handling by the handler or for the cooperative grower group during the preceding marketing year, and if less than one (1) ton is recorded for any such handler or grower group, its vote shall be weighted as one (1) vote. All votes cast by individual growers shall be given equal weight: *Provided*, That when growers marketing through cooperative handlers and growers marketing through other than cooperative handlers are in the same group entitled to submit nominations, the vote for the nominee receiving the largest number of votes of growers marketing through other than cooperative



handlers shall be weighted according to the combined tonnage of merchantable walnuts of such other than cooperative handlers recorded as certified for handling by them during the preceding marketing year. For the first year in which nominations are made the records of walnuts certified for handling of the predecessor Walnut Control Board shall be used. Nominations received in the foregoing manner by the Control Board shall be reported to the Secretary on or before March 20 of each marketing year, together with a certificate of all necessary tonnage data and other information deemed by the Board to be pertinent or requested by the Secretary. If the Board fails to report nominations to the Secretary in the manner hereinbefore specified on or before March 20 of any year, the Secretary may select the member or alternate without nomination. If nominations for the ninth member or alternate are not submitted on or before April 15 of any year, the Secretary may select such member or alternate without nomination.

(c) *Qualification.* Any person selected as a member or alternate of the Control Board shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative. Any member or alternate who, at the time of his selection, was a member of or employed by a member of the group which nominated him shall, within thirty (30) days after he ceases to be such member or employee, become disqualified to serve further and his position on the Control Board shall be deemed vacant.

(d) *Alternates.* (1) An alternate for a member of the Control Board shall act in the place and stead of such member (i) in his absence, or (ii) in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

(2) In the event any member of the Control Board and his alternate are both unable to attend a meeting of the Control Board, any alternate for any other member nominated by the same group that nominated the absent member may serve in the place and stead of the absent member and his alternate, or in the event such other alternate cannot attend, or there is no such other alternate, such member or, in the event of his disability or a vacancy, his alternate may designate, subject to the disapproval of the Secretary, a temporary substitute to attend such meeting. At such meeting such temporary substitute may act in the place and stead of such member. For the purposes of this subsection a cooperative handler group and a cooperative grower group in the same State shall be considered the same group.

(e) *Vacancy.* To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member or alternate of the Control Board, a successor for his unexpired term shall be selected in the manner provided in paragraph (b) of this section within thirty (30) days after such vacancy occurs. If a nomination is not made and reported to the Secretary by the Board within such thirty (30) days, the Secretary may

select a member or alternate to fill such vacancy.

(f) *Expenses.* The members of the Control Board shall serve without compensation, but shall be allowed their necessary expenses.

(g) *Powers.* The Control Board shall have the following powers:

(1) To administer the provisions hereof in accordance with its terms;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violations hereof;

(4) To recommend to the Secretary amendments hereto.

(h) *Duties.* The duties of the Control Board shall be as follows:

(1) To act as intermediary between the Secretary and any handler or grower;

(2) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall at any time be subject to the examination of the Secretary;

(3) To furnish to the Secretary such available information as he may request;

(4) To appoint such employees as it may deem necessary and to determine the salaries, define the duties and fix the bonds of such employees;

(5) To cause the books of the Control Board to be audited by one or more competent public accountants at least once for each marketing year and at such other times as the Control Board deems necessary or as the Secretary may request, and to file with the Secretary three (3) copies of all audit reports made;

(6) To investigate the growing, shipping and marketing conditions with respect to walnuts and to assemble data in connection therewith.

(i) *Procedure.* (1) The members of the Control Board shall select a chairman from their membership and all communications from the Secretary may be addressed to the chairman at such address as may from time to time be filed with the Secretary. The Board shall select such other officers and adopt such rules for the conduct of its business as it may deem advisable. The Board shall give to the Secretary or his designated agent and representatives the same notice of meetings of the Control Board as is given to members of the Board.

(2) All decisions of the Control Board, except where otherwise specifically provided, shall be by a majority vote of the members present. The presence of six (6) members shall be required to constitute a quorum.

(3) The Control Board may vote by mail or telegram upon due notice to all members, and when any proposition is submitted for voting by such method, one (1) dissenting vote shall prevent its adoption until submitted to a meeting of the Control Board.

(4) The Members of the Control Board (including successors, alternates, or other persons selected by the Secretary), and any agent or employee appointed or employed by the Control Board, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, deter-

mination, or other act of the Control Board shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and, upon such disapproval shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

§ 984.3 *Control of distribution—(a) Pack specifications and minimum standards.* In order to effectuate the declared policy of the act, the Control Board shall, with the approval of the Secretary, prescribe pack specifications for the several commercially recognized grades, including minimum standards of quality and maturity for the packing of unshelled walnuts; and thereafter, except as otherwise provided in paragraph (d) of this section, no handler shall handle any unshelled walnuts except those certified by the Control Board as merchantable and packed in accordance with such specifications and minimum standards. The provisions hereof relating to minimum standards of quality and maturity and grading and inspection requirements, within the meaning of section 2 (3) of the act, and any other provisions pertaining to the administration and enforcement thereof, shall continue in effect irrespective of whether the seasonal average price for walnuts is in excess of the parity level specified in section 2 (1) of the act. To aid the Secretary in determining whether to approve such pack specifications, the Control Board shall furnish to the Secretary the data upon which it acted in prescribing such pack specifications and such other data pertaining thereto as the Secretary may request.

(b) *Certification of merchantable walnuts.* Every handler, at his own expense, shall obtain a certificate for each lot of merchantable walnuts handled or to be handled by him and for each lot of surplus merchantable walnuts. Said certificates shall be issued by inspectors designated by the Control Board. All such certificates shall show, in addition to such other requirements as the Control Board may specify, the identity of the handler, whether or not for interstate shipment, if for export, the country of destination, the quantity and pack of merchantable walnuts in such lot, and that the walnuts covered by such certificate conform to the pack specifications and minimum requirements prescribed pursuant to paragraph (a) of this section. The Control Board may direct that such certificate be not issued to any handler who has failed to meet his surplus obligation in accordance with the terms hereof. All lots so inspected and certified shall be identified by appropriate seals or stamps and tags to be affixed to the containers by the handler under the direction and supervision of the Control Board.

(c) *Copies of certificate.* Copies of each such certificate shall be furnished by the inspector to the handler and the Control Board.

(d) *Walnuts for packing and shelling.* Nothing contained herein shall be construed to prevent any person from selling or delivering, within the area of production, unshelled walnuts, other than merchantable walnuts, to any packer for packing or sheller for shell-



ing: *Provided*, That all such sales or deliveries involving the shipment of walnuts from California to Oregon or Washington, from Oregon to Washington, and from Oregon or Washington to California, must be reported by the shipper to the Control Board at the time of shipment. This report shall show the quantities shipped, the identity of the consignee and whether the walnuts so shipped will be packed or shelled.

§ 984.4 *Withholding of surplus—(a) Salable and surplus percentages.* The salable and surplus percentages of merchantable walnuts for each marketing year shall be fixed by the Secretary at such amounts as in his judgment will most effectively tend to accomplish the purposes of the act. In fixing the salable and surplus percentages the Secretary shall give consideration to the ratio of the estimated trade demand to the sum of the estimated production of merchantable walnuts and the handler carryover (with appropriate adjustment for such handler carryover as may have theretofore contributed to surplus) the recommendations submitted to him by the Control Board, and such other pertinent data as he deems appropriate.

The total of the salable and surplus percentages fixed each marketing year shall equal one hundred (100) percent. The salable and surplus percentages so fixed shall not apply to separate packs of walnuts, of which not over twelve (12) percent by count pass through a round opening  $\frac{9}{16}$  inches in diameter.

(b) *Increase of salable percentage.* At any time prior to February 15 of any marketing year the Secretary may, on request of the Control Board (or if the Control Board shall fail so to request, on request of two or more packers who have handled during the immediately preceding marketing year at least ten (10) percent of the total tonnage handled by all packers during such marketing year) and after a finding of fact, based on such revised and current information as may be pertinent, that the merchantable walnuts available for sale will not be sufficient to supply the trade demand, increase the salable percentage to conform to such new relation as may be found to exist between trade demand and available supply.

(c) *Estimated carryover trade demand, and production.* To aid the Secretary in fixing the salable and surplus percentages, the Board shall furnish to the Secretary, not later than September 1 of each marketing year, the following estimates and recommendation, each of which shall be adopted by at least a two-thirds ( $\frac{2}{3}$ ) vote of the entire Control Board:

(1) Its estimate of the quantity of merchantable walnuts to be produced and packed during such year;

(2) Its estimate of handler carryover as of August 1,

(3) Its estimate of trade carry-over as of August 1,

(4) Its estimate of the total trade demand (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act), in determining such trade demand consideration shall be given to the estimated trade carry-

over at the beginning and end of the marketing year;

(5) Its recommendation as to the salable and surplus percentages to be fixed.

The Board shall also furnish to the Secretary a complete report of the proceedings of the Board meeting at which the recommended salable and surplus percentages to be fixed by the Secretary were adopted.

(d) *Withholding percentage.* The withholding percentage shall be the ratio (measured as a percentage) of the surplus percentage to the salable percentage. Such percentage shall be announced by the Secretary and, in its computation, shall be adjusted to the nearest whole number.

(e) *Withholding of surplus merchantable walnuts.* No handler shall handle unshelled walnuts unless prior to or upon the shipment thereof (except as otherwise provided in paragraph (f) of this section) he shall have withheld from handling a quantity of merchantable walnuts equal to the withholding percentage, by weight, of such quantity handled or certified for handling by him: *Provided*, That this provision shall not apply to any lot of walnuts for which the surplus obligation has been met by a previous holder, nor to separate packs of walnuts, of which not over twelve (12) percent by count pass through a round opening  $\frac{9}{16}$  inches in diameter. The quantity of walnuts hereby required to be withheld shall constitute, and may be referred to as, the "surplus" or "surplus obligation" of a handler. The merchantable walnuts handled by any handler in accordance with the provisions hereof shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8a (5) of the act.

(f) *Postponement of withholding surplus upon filing bond.* (1) Compliance by any packer with the requirements of paragraph (e) of this section as to the time when surplus walnuts shall be withheld shall be deferred to any date desired by the packer but not later than December 31 of the marketing year, upon the voluntary execution and delivery by such packer to the Control Board, before he handles any merchantable walnuts of such marketing year, of a written undertaking that on or prior to such date he will have fully satisfied his surplus obligation required by paragraph (e) of this section.

(2) Such undertaking shall be secured by a bond or bonds to be filed with and acceptable to the Control Board, and with a surety or sureties acceptable to the Control Board, in the amount or amounts stated below conditioned upon full compliance with such undertaking. Such bond or bonds shall, at all times during their effective period, be in such amounts that the aggregate thereof shall be no less than the total bonding value of the packer's deferred surplus obligation. The bonding value shall be the deferred surplus obligation poundage bearing the lowest bonding rate or rates, which could have been selected from the packs handled or certified for handling, multiplied by the applicable bonding rate. The cost of such bond or bonds shall be borne by the packer filing same.

(3) Said bonding rate for each pack shall be an amount per pound representing the season's domestic price for such pack net to packer f. o. b. shipping point which shall be computed at ninety-five (95) percent of the opening price for such pack announced by the packer or packers who during the preceding marketing year handled two-thirds ( $\frac{2}{3}$ ) of the merchantable walnuts handled by all packers. Such packer or packers shall be selected in order of volume handled in the preceding marketing year, using the minimum number of packers to represent a volume of two-thirds ( $\frac{2}{3}$ ) of the total volume handled. If such opening prices involve different prices announced by two (2) or more packers for respective packs, the prices so announced shall be averaged on the basis of the quantity of such packs handled during the preceding marketing year by each such packer.

(4) Any sums collected through default of a packer on his bond shall be used by the Control Board to purchase, from packers, as provided herein, a quantity of merchantable walnuts not to exceed the total quantity represented by the sums collected. Purchases shall be made from the salable percentages with respect to which the surplus obligation has been met and at the bonding rate for each pack. The Control Board shall at all times purchase the lowest priced packs offered and the purchases shall be made from the various packers as nearly as practicable in proportion to the quantity of their respective offerings of the pack or packs to be purchased.

(5) Any unexpended sums, which have been collected by the Control Board through default of a packer on his bond, remaining in possession of the Control Board at the end of a marketing year shall be used to reimburse the Board for its expenses including administrative and other costs incurred in the collection of such sums and in the purchase of merchantable walnuts as provided in (4) of this paragraph (f). Any balance remaining after reimbursement of such expenses shall be refunded to all packers from whom sums were collected on bonds during such marketing year, in proportion to the respective collections thereunder.

(6) Walnuts purchased as provided in this subsection shall be turned over to those packers, who have defaulted on their bonds, for disposal by them as surplus. The quantity delivered to each packer shall be that quantity represented by the sums collected through default, and the different grades, if any, shall be apportioned among the various packers on the basis of the quantity of walnuts to be delivered to each packer to the total quantity purchased by the Control Board with bonding funds.

(7) Collection by the Control Board upon any bond or bonds filed pursuant to the provisions of this paragraph (f) of this section shall be deemed a satisfaction of the surplus obligation represented by such collection: *Provided*, That the walnuts purchased by the Control Board with funds collected under bonds and subsequently turned over to such packers are used only for the purposes provided in § 984.5 for the disposal of surplus.

(g) *Interhandler transfers for surplus.* For the purpose of meeting his surplus obligation, any handler may, upon notice to and under the supervision and direction of the Control Board, acquire from another handler merchantable walnuts with respect to which the surplus has not been withheld and any surplus obligation with respect to any walnuts so transferred shall be waived. If any such sales are made from walnuts on which the surplus obligation has been met, the seller's surplus obligation shall be reduced accordingly upon proof satisfactory to the Control Board that the purchaser is withholding such walnuts as surplus.

(h) *Assistance of Control Board in accounting for surplus.* The Control Board, on written request, may assist handlers in accounting for their surplus obligations and may aid any handler in acquiring merchantable walnuts to meet any deficiency in a handler's surplus, or in accounting for and disposing of surplus walnuts.

(i) *Application of salable, surplus and withholding percentages, and bonding rates, after end of marketing year.* (1) The salable, surplus and withholding percentages established for any marketing year shall continue in effect with respect to all walnuts, for which the surplus obligation has not been previously met, which are handled or certified for handling by any handler after the end of such marketing year and before salable, surplus and withholding percentages are established for the succeeding marketing year. After such percentages are established for the new marketing year, the withholding requirements for all such walnuts theretofore handled or certified for handling during that marketing year shall be adjusted to the newly established percentages. Pending the establishment of such percentages for the marketing year beginning August 1, 1948, the effective withholding percentage shall be twenty-five (25) percent.

(2) The bonding rates established for any marketing year shall continue in effect with respect to any bond or bonds executed and delivered pursuant to paragraph (f) of this section, before the bonding rates for the new marketing year are established. After such bonding rates are established for the new marketing year, the new rates shall be applicable and any bond or bonds theretofore given for that marketing year shall be adjusted to the new rates. Pending the establishment of bonding rates for the marketing year beginning August 1, 1948, the bonding rates shall be the credit values for the corresponding packs theretofore established for the crop year ending July 31, 1948, pursuant to the provisions of Marketing Order No. 1, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington.

(j) *Exchange of surplus walnuts.* Any handler who has withheld surplus walnuts pursuant to the requirements of paragraph (e) of this section and has had same certified as surplus walnuts may exchange therefor an equal quantity, by weight, of other merchantable

walnuts. Any such exchange shall be made under the supervision and direction of the Control Board with appropriate inspection and certification of the walnuts involved.

(k) *Adjustment upon increase of salable percentage.* Upon any increase in the salable percentage and corresponding decrease in the surplus and withholding percentages, the surplus obligation of each handler with respect to the walnuts handled by him for the entire marketing year shall be recomputed in accordance with such revised salable, surplus and withholding percentages. From the surplus walnuts still held by a handler and from such surplus walnuts that may have been delivered by him to the Control Board pursuant to § 984.5 (b), and still held by the Control Board, the handler shall be permitted to select, under the supervision and direction of the Control Board, the particular surplus walnuts to be restored to his salable percentage.

§ 984.5 *Disposition of surplus—(a) Prohibition against handling of surplus.* Except as provided in paragraphs (b) and (c) of this section, surplus walnuts withheld pursuant to the requirements of § 984.4 (e) shall not be handled by any person as unshelled walnuts.

(b) *Disposition of surplus by export.* Sales of surplus walnuts for shipment or export to destinations outside the Continental United States, Alaska, Hawaii, Puerto Rico and the Canal Zone shall be made only by the Control Board. Any handler desiring to export any part or all of his surplus walnuts shall deliver to the Control Board his surplus to be exported; but the Control Board shall be obligated to sell in export only such quantities for which it may be able to find satisfactory export outlets. Any walnuts so delivered for export which the Control Board is unable to export shall be returned to the handler delivering them. Sales for export shall be made by the Control Board only on execution of an agreement to prevent reimportation into the United States; and in case of export to Canada or Mexico, such walnuts shall be sold only on the basis of a delivered price, duty paid. A handler may be permitted to act as agent of the Control Board, upon such terms and conditions as the Control Board may specify, in negotiating export sales; and when so acting shall be entitled to receive a selling commission of five (5) percent of the export sales price, f. o. b. area of production. The proceeds of all export sales, after deducting all expenses actually and necessarily incurred, shall be paid to the handler whose surplus walnuts are so sold by the Board.

(c) *Disposal of surplus for shelling.* (1) Any handler may shell his surplus walnuts or deliver them for shelling to an authorized sheller.

(2) Any person who desires to become an authorized sheller in any marketing year may submit an application to the Control Board. Such application shall be granted only upon condition that the applicant agrees:

(i) To use such surplus walnuts as he may receive for no purpose other than shelling;

(ii) To dispose of or deliver such surplus walnuts, as unshelled walnuts, to no one other than another authorized sheller;

(iii) To comply fully with all laws and regulations applicable to the shelling of walnuts;

(iv) To report to the Control Board, immediately upon receipt of any lot of surplus walnuts, the quantity and pack of the walnuts so received and the identity of the person from whom received, and within fifteen (15) days after the disposition of such walnuts, to report their disposition to the Control Board. All such reports shall be certified to the Control Board and to the Secretary as to their correctness and accuracy.

The Board, if it finds that such an application is made in good faith and if the applicant may be reasonably relied upon to fulfill and observe the conditions to which it has agreed, shall issue a letter of authority to such applicant to serve as an authorized sheller. Such letter of authority shall expire with the end of the marketing year during which it is issued by the Board.

§ 984.6 *Reports and books and records—(a) Reports of handler carryover.* Each handler, on or before August 15 and January 15 of each marketing year, shall file with the Control Board a written report, under oath, of all merchantable walnuts (except walnuts held as surplus) including the estimated quantity of merchantable walnuts in ungraded lots intended for packing as merchantable walnuts, by him held on the first day of August and January, respectively, showing the pack (if merchantable) and location thereof, and the quantities:

(1) Which theretofore have been certified for handling, and on which the surplus obligation has previously been met;

(2) Which have been packed as merchantable walnuts but have not been certified; and

(3) Which are estimated as merchantable but have not been packed as merchantable walnuts and are intended for packing as merchantable walnuts.

(b) *Reports of disposition of surplus.* (1) Each handler, before he disposes of any quantity of surplus walnuts held by him, shall file with the Control Board a report of his intention to dispose of such quantity of surplus walnuts. This report shall be filed not less than five (5) days prior to the date on which the surplus walnuts are disposed of unless the five (5) day period is expressly waived by the Control Board.

(2) Each handler, within fifteen (15) days after the disposition of any quantity of surplus walnuts, shall file with the Control Board a report of the actual disposition of such quantity of surplus walnuts. Such reports shall be certified to the Control Board and to the Secretary as to their correctness and accuracy.

(3) Each handler, from time to time, on demand of the Control Board, shall file with the Board a report of his holdings of surplus walnuts as of any date specified by the Board. Such report, at the request of the Control Board, may be in the form of a confirmation of the records of the Control Board of such handler's holdings.

(4) All reports required by this paragraph of this section shall show the quantity, pack and location of the walnuts covered by such reports and in the case of reports required by subparagraphs (1) and (2) of this paragraph, the applicable handler's storage lot and Control Board certificate numbers, and the disposition of the surplus which is intended or which has been accomplished.

(c) *Other reports.* Upon request of the Control Board, made with the approval of the Secretary, every handler shall furnish to the Board, in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for herein) such other information as will enable the Control Board to perform its duties and to exercise its powers hereunder.

(d) *Verification of reports.* For the purpose of checking and verifying reports made by handlers to it, the Control Board, through its duly authorized agents, shall have access to the handler's premises wherever walnuts may be held by such handler and, at any time during reasonable business hours, shall be permitted to inspect any walnuts so held by such handler and any and all records of the handler with respect to the holding or disposition of all walnuts which may be held or which may have been disposed of by such handler. Every handler shall furnish all labor necessary to facilitate such inspections as the Control Board may make of such handler's holdings of any walnuts. Every handler shall store surplus walnuts in such manner as to facilitate inspection and shall maintain adequate storage records which will permit accurate identification with respect to Control Board certificates of respective lots of all such walnuts held or theretofore disposed of.

#### § 984.7 Expenses and assessments—

(a) *Expenses.* The Control Board is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each marketing year, for the maintenance and functioning of the Control Board and for such purposes as the Secretary may, pursuant to the provisions hereof, determine to be appropriate. The recommendation of the Control Board as to the expenses for each such marketing year, together with all data supporting such recommendations, shall be submitted to the Secretary on or before September 15 of the marketing year in connection with which such recommendation is made. The funds to cover such expenses shall be acquired by levying assessments as hereinafter provided.

(b) *Assessments.* (1) Each handler shall pay to the Control Board on demand by the Control Board, from time

to time, the sum of 0.10¢ for each pound of merchantable walnuts handled or certified for handling by him after the effective date hereof. At any time during or after a marketing year, the Secretary may increase the rate of assessment to apply to all walnuts handled or certified for handling during such marketing year to secure sufficient funds to cover the expenses authorized by paragraph (a) of this section or by any later finding by the Secretary relative to the expenses of the Control Board, and such additional assessments shall be paid to the Control Board by each handler on demand.

(2) Any money collected as assessments during any marketing year and not expended in connection with the respective marketing year's operations hereunder may be used and shall be refunded by the Control Board in accordance with the provisions hereof. Such excess funds may be used by the Control Board during the period of four (4) months subsequent to such marketing year in paying the expenses of the Control Board incurred in connection with the new marketing year. The Control Board shall, however, from funds on hand, including assessments collected during the new marketing year, distribute or make available, within five (5) months after the beginning of the new marketing year, the aforesaid excess to each handler from whom an assessment was collected, as aforesaid, in the proportion that the amount of the assessment paid by the respective handler bears to the total amount of the assessments paid by all handlers during said marketing year.

(3) Any money collected from assessments hereunder and remaining unexpended in the possession of the Control Board upon the termination hereof shall be distributed in such manner as the Secretary may direct.

§ 984.8 *Personal liability.* No member or alternate of the Control Board nor any employee or agent thereof shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate or employee, except for acts of dishonesty.

§ 984.9 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 984.10 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 984.11 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof except with respect to acts done under and during the assistance hereof.

§ 984.12 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

§ 984.13 *Effective time and termination—*(a) *Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one (1) day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions hereof, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any marketing year whenever he finds that such termination is favored by a majority of the producers of walnuts who during the preceding marketing year have been engaged in the production for market of walnuts in the States of California, Oregon, and Washington: *Provided*, That such majority have during such period produced for market more than fifty (50) percent of the volume of such walnuts produced for market within said States; but such termination shall be effected only if announced on or before July 1 of the then current marketing year.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions hereof, the members of the Control Board then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the Control Board, of all funds and property then in the possession or under the control of the Board, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Control Board and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title

and right to all of the funds, property, and claims vested in the Control Board or the joint trustees pursuant hereto.

(3) Any person to whom funds, property or claims have been transferred or delivered by the Control Board or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said Board and upon said joint trustees.

§ 984.14 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person, with respect to any such violation.

§ 984.15 *Amendments.\** Amendments hereto may be proposed from time to time, by any party hereto or by the Control Board. After due notice and hearing and upon the execution of the proposed amendments by any two or more handlers, who during the preceding crop year handled not less than two-thirds ( $\frac{2}{3}$ ) of the merchantable walnuts handled or certified for handling during such crop year, the Secretary may approve such amendments and they shall become effective at such time as the Secretary may designate.

§ 984.16 *Counterparts.\** This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all such signatures were contained in one original.

§ 984.17 *Additional parties.\** After the effective date hereof, any handler may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 984.18 *Order with marketing agreement.\** Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of walnuts in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.

*Signatures.\** In witness whereof, the contracting parties acting under the provisions of the act, for the purposes and subject to the limitations herein contained and not otherwise, have hereunto set their respective hands and seals.

Filed at Washington, D. C., this 17th day of June 1948.

[SEAL] JOHN I. THOMPSON,  
Assistant Administrator.

[F. R. Doc. 48-5579; Filed, June 23, 1948;  
8:48 a. m.]

## CIVIL AERONAUTICS BOARD

[14 CFR, Part 61]

### BANKING AFTER TAKE-OFF

#### NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Safety Bureau, notice is hereby given that the Bureau will propose to the Board an amendment of Part 61 of the Civil Air Regulations and the rescission of Special Civil Air Regulations Serial Numbers 188 and 398 as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Civil Aeronautics Board, attention Safety Bureau, Washington 25, D. C. All communications received within 30 days after the date of this publication will be considered by the Board before taking further action on the proposed rule.

Section 61.7209 of the Civil Air Regulations, in effect, forbids the banking of air carrier aircraft immediately after take-off until a minimum altitude of 500 feet has been attained. This restriction prohibits the changing of the aircraft's course until his altitude has been reached which often results in flight at a low altitude over highly congested areas. It is desirable to avoid such flights wherever possible and the rescission of this regulation will more effectively permit the establishment of traffic patterns which will accomplish this purpose. Since other provisions of the Civil Air Regulations establish adequate safeguards against unnecessary maneuvering of aircraft at low altitudes, this regulation may be rescinded without an adverse effect on safety. Special Civil Air Regulations Serial Numbers 188 and 398 provide exceptions to this section and, therefore, may be terminated upon rescission of this rule.

It is proposed to rescind § 61.7209 and Special Civil Air Regulations Serial Numbers 188 and 398.

This action is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Secs. 205 (a) 601-610, 52 Stat. 984, 1007-1012; 49 U. S. C. 425 (a), 551-560)

Dated: June 18, 1948.

By the Safety Bureau.

[SEAL] JOHN M. CHAMBERLAIN,  
Assistant Director (Regulations).

[F. R. Doc. 48-5580; Filed, June 22, 1948;  
8:51 a. m.]

## FEDERAL SECURITY AGENCY

### Food and Drug Administration

[21 CFR, Part 36]

[Docket No. FDC-49]

#### CANNED SHRIMP

#### PROPOSED STANDARD OF FILL OF CONTAINER

In the matter of amending the standard of fill of container for canned shrimp.

*Final order.* By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701; 52 Stat. 1046, 1055; 21 U. S. C. 341, 371) and on the basis of the evidence received at the above-entitled hearing duly held pursuant to notice issued on June 6, 1947 (12 F. R. 3725) upon consideration of the exceptions filed to the tentative order issued by the Federal Security Administrator on August 7, 1947 (12 F. R. 5429) and denying them, save as otherwise may be seen by comparison of this order with the tentative order, the following order is hereby promulgated.

*Findings of fact.\** 1. By order published in the FEDERAL REGISTER of July 2, 1942 (7 F. R. 4944) standards of fill of container were promulgated for canned wet-pack shrimp and canned dry-pack shrimp in nontransparent containers. The effective date of the order was August 1, 1942, and since that date nearly all of the canned shrimp in non-transparent containers produced in the United States has been packed in compliance with those standards of fill of container. (R. 10, 91, 100-101; Ex. 7)

2. The change from the lower fills which were used prior to the promulgation of these standards of fill of container made it necessary for canners to exercise more careful control at certain stages of the canning process. More care was necessary in packing the shrimp into the cans and additional precautions were necessary to prevent shrimp spilling from cans before sealing. The exercise of these additional precautions placed no unreasonable burden on the canners of shrimp. (R. 15-17, 33, 45, 56-57, 59, 61-62, 77, 100-101, 115-117, 119-120, 127, 131, 134-135)

3. The probability of an increase in breakage in the closure of cans during and after processing, as a result of compliance with the present requirements, was advanced at the hearing on July 8, 1947, as a reason for reducing the requirement as to fill. The causes of such difficulties are directly related to the structure of the cans used and to lack of proper control of canning operations, particularly the head space of the can and the temperature of its contents when it is closed. (R. 10-12, 29-30, 35-33, 39-40, 45, 61-62, 65-67, 77, 79-80, 120, 133-134, 141)

\*The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing, which are the basis for these findings.

4. Cannery of shrimp presented at this hearing certain reasons for objecting to the present requirements of fill of container in addition to increased manufacturing difficulties. These included an increased tendency for struvite crystals (referred to in exhibits 3 and 6 as phosphate crystals) to form when canned shrimp is held after canning, lowering of keeping quality caused by the longer time of processing used with the present fill, a tendency for shrimp in some cans to stick together and to stick inside the cans, and an increase in the number of broken and twisted shrimp. (R. 12, 15, 43, 45, 51-52, 61-62, 74-75, 77, 96, 121-122; Exs. 3, 4, 6)

5. For many years it has been observed that small glass-like crystals of the compound struvite (magnesium ammonium phosphate) will develop in an occasional can of shrimp. This is objectionable, since uninformed consumers sometimes mistake the crystals for particles of glass. The cause of the formation of these crystals is not known. There was evidence of an increase in complaints from consumers because of the occurrence of struvite crystals in canned wet-pack shrimp since the promulgation of the present standards, but this evidence does not show the cause of the crystal formation or a relationship between the incidence of struvite crystals and the drained weight of shrimp. The number of complaints compared with the number of cans of shrimp packed is so small as to be statistically insignificant. (R. 12-14, 30-32, 37, 45, 52, 67-70, 74-75, 77, 80-81, 82-87, 102-108, 125-126, 139, 89; Exs. 3, 6, 9)

6. Apprehension was expressed that the longer processing time now used would render the shrimp somewhat softer when held for an extended period, unless they were held in cold storage. There is insufficient evidence to show that any increase in softening of shrimp packed under the present standard is of significance to consumers. Nor is the evidence sufficient to show whether the hazards of holding canned shrimp from one season to another have been increased by the longer processing time now employed. (R. 50-52, 58, 64-65, 73-74, 77-79, 100-101, 122-129, 135-136; Ex. 9)

7. Sometimes the shrimp in cans of wet-pack shrimp stick together or stick to the sides of the can and at times one or more shrimp is broken. This happened to a lesser extent when cans contained less shrimp. This characteristic is not an impairment of quality of any significance. (R. 15, 43-45, 77, 100-101, 107, 121-122, 124, 127; Ex. 9)

8. Sales of canned shrimp have been slow due to high prices. It is the opinion of many dealers that sales would be facilitated if canned shrimp were available in a smaller quantity than 7 ounces, the weight of shrimp in the No. 1 can wet pack, so that the price per can could be reduced. The No. 1 can was the smallest can permitted until recently under requirements of the wartime tin conservation order. During the last few months some cannery have packed shrimp in

smaller cans. There was evidence that certain of these smaller cans are not of a size well adapted to the packing of large and extra large shrimp. The shrimp are too large for the can. However, there is no evidence indicating that there should be established a standard of fill of container for large and extra large shrimp different from the standard of fill of container for medium and small shrimp. (R. 17-25, 45, 49, 77, 93, 99-100, 104, 107, 116-117, 119-120, 131-133; Exs. 4, 8, 9)

**Conclusions.** On the basis of the foregoing findings of fact it is concluded that:

(a) Reducing the standard of fill of container for wet-pack shrimp would result in the replacement of shrimp with brine. The reduction of the standard of fill of container for dry-pack shrimp would result in omitting from the can shrimp that could be contained therein. In both instances the size of the cans would inaccurately reflect the amount of shrimp contained therein, particularly because consumers of canned shrimp have been receiving well-filled cans for about 5 years.

(b) It would not promote honesty and fair dealing in the interest of consumers to reduce the requirements of cut-out weight in the standards of fill of container for canned wet-pack shrimp and canned dry-pack shrimp in nontransparent containers.

*Wherefore, it is ordered,* That the regulations promulgated July 2, 1942 (7 F. R. 4944; 21 CFR, Cum. Supp., 36.3) fixing and establishing standards of fill of container for canned wet-pack shrimp and canned dry-pack shrimp, in nontransparent containers, be not amended to provide for reduction in the requirement for cut-out weight.

Dated: June 17, 1948.

OSCAR R. EWING,  
*Administrator*

[F. R. Doc. 48-5585; Filed, June 22, 1948;  
8:51 a. m.]

## [21 CFR, Part 36]

[Docket No. FDC 50]

### FILL OF CONTAINER FOR CANNED OYSTERS; DEFINITIONS AND STANDARDS OF IDENTITY AND STANDARDS

#### NOTICE OF HEARING

Whereas, the Federal Security Administrator, by an order in this proceeding dated March 10, 1943, and published in the FEDERAL REGISTER of March 13, 1943,<sup>1</sup> promulgated regulations fixing and establishing a definition and standard of identity and amending the standard of fill of container for canned oysters; and

Whereas, Willapoint Oysters, Inc., filed its petition with the United States

<sup>1</sup> 13 F. R. 1337-1339.

Circuit Court of Appeals for the Ninth Circuit for a judicial review of said order praying, however, that the proceeding be remanded to the Federal Security Administrator with directions that additional evidence be taken as to the petitioner's alleged new method of preparing oysters for canning by blanching fresh shucked oysters and as to the proper standard of fill of container under the Federal Food, Drug, and Cosmetic Act for oysters canned after such preparation; and

Whereas, the said Court, by order dated June 8, 1948, remanded for proceeding to the Federal Security Administrator.

\* \* \* with direction to take such additional evidence (and evidence in rebuttal thereof) as may be offered relative to said process of packing blanched oysters, within a period of 30 days from the date of this order on such reasonable notice to the petitioner as he may give.

Now, therefore, in compliance with the direction of said Court, the Federal Security Administrator gives notice hereby that a public hearing will be held commencing at 10:00 a. m. eastern daylight time, July 7, 1948, in Room 5540, Federal Security Building, Independence Avenue and Fourth Street SW., Washington, D. C., to receive such evidence as may be adduced by Willapoint Oysters, Inc., as to its alleged new method of preparing oysters for canning and as to the relationship of such method to a reasonable standard of fill of container, as contemplated by the Federal Food, Drug, and Cosmetic Act, for canned oysters. Rebuttal evidence may be adduced by any interested party. A copy of this notice shall be mailed forthwith to Willapoint Oysters, Inc.

Dated: June 17, 1948.

[SEAL] OSCAR R. EWING,  
*Administrator*

[F. R. Doc. 48-5580; Filed, June 22, 1948;  
8:48 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [47 CFR, Part 2]

[Docket No. 9022]

### FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS

#### NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 2 of the Commission's rules and regulations.

1. Notice is given of proposed rule making in the above entitled matter.

2. The Commission proposes to revise Part 2 of its rules and regulations so that the provisions thereof will be consistent with existing treaties, conventions and the Atlantic City radio regulations. It is planned that Part 2, as revised, will be limited to rules relating to frequency allocation and radio treaty matters. Such matters will include definitions of terms; provisions relating to allocation,



assignment, and use of radio frequencies; rules relating to allocation, assignment and use of call signs and the identification of radio communications; rules relating to distress, disaster and emergency communications; and rules relating to treaties, conventions, regulations, arrangements and agreements presently in force.

3. Attached hereto is an appendix containing various provisions which the Commission has under consideration for incorporation into the revised Part 2. The table of frequency allocations set forth in said appendix represents allocations heretofore approved by the Commission except that those frequency allocations which are being considered by the Commission in the following proceedings, are subject to final determination by the Commission in those proceedings:

In the matters of:

(a) Allocation of frequencies between 25,000 kilocycles and 30,000,000 kilocycles (9800-10,000 Mc)—[Docket No. 89261].

(b) Allocation of frequencies between 25 and 30 Mc—[Docket No. 8965].

(c) Allocation of frequencies between 44 and 50 Mc, and between 152 and 162 Mc—[Docket No. 8972].

(d) Allocation of frequencies between 72 and 76 Mc—[Docket No. 8973].

(e) Allocation of Frequencies in the band 450-460 Mc [Docket No. 8974].

(f) Utilization of Frequencies in the band 475 to 890 Mc for Television Broadcasting [Docket No. 8976].

(g) Amendments to the Commission's Rules and Regulations Governing the Allocation of Frequencies in the band 940-952 Mc [Docket No. 8977].

4. The frequencies between 10 kc and 25 Mc allocated the several classes of stations are the same as those indicated in the several parts of the Commission's rules governing particular classes of stations. (The table of frequency allocations 10 kc-25 Mc now is being revised and the Commission's proposals with respect thereto will be set forth in separate notices of proposed rule-making at a later date.)

5. A proposed table of allocations for the use of frequencies between 10 kc and 30,000 Mc in the Territories of the United States will be set forth in a notice of proposed rule-making at a later date.

6. Certain of the provisions presently contained in Part 2 will not appear in the revised Part 2, but will be revoked or transferred to other appropriate parts of the Commission's rules and regulations.

7. Authority for making the proposed changes is vested in the Commission under sections 301, 303 (a) (b) (c) (d), (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) of the Communications Act of 1934, as amended.

8. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission, on or before July 12, 1948, a written statement or brief setting forth his comments. At the same time interested parties may file written statements or briefs in support of the Commission's proposals. The Commission will consider all comments that are received before taking final action in the matter, and if any com-

ments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given interested parties. No briefs or comments will be accepted with respect to the table of frequency allocations set forth in the Appendix since said allocations have already been adopted as final by the Commission. Those allocations set forth in paragraph "3" herein which are presently in the process of rule-making will be determined by the Commission in their respective docket proceedings.

9. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, the Commission shall be furnished with an original and 14 copies of all statements, briefs or comments filed by interested parties.

Adopted: June 11, 1948.

#### FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

#### APPENDIX

##### A. Definitions

**Aeronautical fixed service:** A fixed service intended for the transmission of information relating to air navigation, preparation for and safety of flight.

**Aeronautical fixed station (FXA)** A station in the aeronautical fixed service.

**Aeronautical marker beacon station (RLA)** A radionavigation land station in the aeronautical radionavigation service which provides a signal to designate a small area above the station.

**Aeronautical mobile service:** A mobile service between aircraft stations and aeronautical stations, or between aircraft stations.

**Aeronautical radionavigation service:** A radionavigation service intended for the benefit of aircraft.

**Aeronautical station (FA)** A land station in the aeronautical mobile service, carrying on a service with aircraft stations. In certain instances, an aeronautical station may be placed on board a ship.

**Aeronautical utility land station (FLU)** A land station located at airdrome control towers and used for control of ground vehicles and aircraft on the ground at airdromes.

**Aeronautical utility mobile station (MOU)** A mobile station used for communication, at airdromes, with the aeronautical utility land station, ground vehicles, and aircraft on the ground.

**Air carrier aircraft station (MAA)** An aircraft station aboard an aircraft engaged in, or essential to, transportation of passengers or cargo for hire.

**Aircraft station (MA)** A mobile station installed on board any type of aircraft and continuously subject to human control.

**Airdrome control station (FAO)** An aeronautical station providing communication between an airdrome control tower and aircraft.

**Altitude station (ROA)** A radionavigation mobile station, in the aeronautical radionavigation service, the emissions of which are intended to determine the altitude above the terrain of aircraft aboard which the altimeter is located.

**Amateur service:** A service of self training, intercommunication and technical investigations carried on by amateurs, that is, by duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest.

**Amateur station (AR)** A station in the amateur service.

**Assigned frequency:** The frequency assigned to a station by the Commission and specified in the instrument of authorization.

**Authorized power:** The power assigned to a radio station by the Commission and specified in the instrument of authorization. The authorized power does not necessarily correspond to the power used by the Commission for purposes of its master frequency record (MFR) and notification to the Bureau of International Telecommunications Union.

**Aviation services:** Aviation services are primarily for the safe, expeditious and economical operation of aircraft. They include the aeronautical fixed service, aeronautical mobile service, aeronautical radio navigation service, and secondarily, the handling of public correspondence to and from aircraft.

**Base station (FB):** A land station in the land mobile service carrying on a service with land mobile stations.

**Broadcasting service:** (a) A radiocommunication service of transmissions to be received directly by the general public.

(b) This service may include transmissions of sounds or transmissions by television, facsimile or other means.

**Broadcasting station (BC)** A station in the broadcasting service.

**Citizens radio service:** A radiocommunication service of fixed, land, or mobile stations, or combinations thereof, intended for use by citizens of the United States for private or personal radiocommunication (including radio signaling, control of objects by radio, and other purposes).

**Coast station (FC)** A land station in the maritime mobile service carrying on a service with ship stations.

**Common carrier fixed station (FXC)** A fixed station open to public correspondence.

**Distance measuring equipment:** A radionavigation system in the aeronautical radionavigation service that determines the distance from a transponder beacon by measuring the time of transmissions to and from the beacon.

**Domestic fixed service:** A fixed service intended for the transmission of information between points, all of which lie within the 48 states and the District of Columbia, except for the domestic haul of international traffic.

**Domestic public radiocommunication services:** The land mobile and domestic fixed services the stations of which are open to public correspondence.

[In column 11 of the table of frequency allocations the term "Domestic Public" means only those stations, in the Domestic Public Radiocommunication Services, included by their own definitions in the classes of stations (column 9) allocated the frequency band (column 7) which includes the frequency (column 10) to the left of such entry in column 11.]

**Experimental station (EX)** A station utilizing Hertzian waves in experiments with a view to the development of science or technique. This definition does not include amateur stations.

**Facsimile:** A system of telecommunication for the transmission of fixed images with a view to their reception in a permanent form.

**Facsimile broadcasting station (BCM)** A broadcasting station utilizing facsimile.

**Fixed public transmitter control service:** A fixed service carried on for the purpose of transmitting intelligence between transmitting stations in the International Fixed Public Radiocommunication Service and the message centers or control points associated therewith.

**Fixed service:** A service of radiocommunication between specified fixed points.

**Fixed station (FX)** A station in the fixed service.

**Flight test station (FAT)** An aeronautical station used for the transmission of essential communications in connection with the test of aircraft or major components of aircraft.

## PROPOSED RULE MAKING

**Flying school station (FAS)** An aeronautical station used for radiocommunication pertaining to instructions to students or pilots while actually operating aircraft.

**FM broadcast STL station (FXF)** A fixed station utilizing telephony to transmit from a studio of an FM broadcasting station to the transmitter of that broadcasting station, programs to be broadcast by that station.

**FM broadcasting station (BCF)** A broadcasting station utilizing telephony by means of frequency modulation.

**Frequency tolerance:** The frequency tolerance, expressed as a percentage or in cycles per second, is the maximum permissible deviation; with respect to the reference frequency,<sup>1</sup> of the corresponding characteristic frequency of an omission; the reference frequency may differ from the frequency assigned to a station by a fixed and specified amount.

**Glide slope station (RLG)** A radionavigation land station in the aeronautical radionavigation service which provides an inclined surface extending upward at an angle to the horizontal by means of which an aircraft in flight may determine the correct glide slope to the point of desired ground contact.

**Harmful interference:** Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service<sup>2</sup> or obstructs or repeatedly interrupts a radio service operating in accordance with these Regulations.

**Hertzian waves:** Electromagnetic waves of frequencies between 10 kc and 3,000,000 Mc.

**Industrial radio services:** Any service of radiocommunication essential to, operated by, and for the sole use of, those enterprises which for purposes of safety or other necessity require radiocommunication in order to function efficiently, the radio transmitting facilities of which are defined as fixed, land, or mobile stations. (In column 11 of the table of frequency allocations the term "Industrial" means only those stations, in the Industrial Radio Services, included by definition in the classes of stations (column 9) allocated the frequency band (column 7) which includes the frequency (column 10) to the left of such entry in column 11.)

**Industrial, scientific, and medical equipment:** Radio transmitting equipment or other devices employing Hertzian waves for industrial, scientific, or medical purposes, including the transfer of energy by radio, and which are not intended to be used for radio communication.

<sup>1</sup> The concept of a reference frequency becomes necessary to include the many classes of omission now coming into use, including single sideband and multiple working. This is merely a frequency which is selected in any convenient way. The actual emission includes frequencies which are characteristic of the physical emission (for example, the carrier frequency itself, or a particular frequency in a sideband) as distinguished from the assigned frequency and the reference frequency, which may be regarded as mere numbers. It is intended that, consistent with the physical qualities of the apparatus, one of these characteristic frequencies shall always coincide with the reference frequency. The characteristic frequency may then be referred to as the one which corresponds to the reference frequency. It is the maximum permissible difference between those two frequencies, namely the reference frequency, which is a mere number, and the corresponding characteristic frequency, which represents a physical attribute of the emission, that is meant by frequency tolerance.

<sup>2</sup> Any radio service, the operation of which is directly related, whether permanently or temporarily, to the safety of human life and the safeguarding of property, shall be considered as a safety service.

**Instrument landing system:** A system of radionavigation, intended to facilitate aircraft in landing, which provides lateral and vertical guidance, including indications of distance from the optimum point of landing.

**Interim FM relay station (FXM)** A fixed station used for the transmission of FM broadcasting programs from one FM broadcasting station to other FM broadcasting stations to provide simultaneous network FM broadcasting and operated only by FM broadcast licensees.

**Interim television relay station (FXN)** A fixed station used for the transmission of television broadcasting programs from one television broadcasting station to other television broadcasting stations to provide simultaneous network television broadcasting and operated only by television broadcast licensees.

**International broadcasting station (BCI)** A broadcasting station, employing frequencies allocated to the broadcasting service between 5950 kc and 26100 kc, whose transmissions are intended to be received directly by the general public in foreign countries.

**International control station (FXI)** A fixed station in the fixed public transmitter control service.

**International fixed public radiocommunication service:** A fixed service, the stations of which are open to public correspondence and which is intended to provide radiocommunication between the United States or its territories and foreign or overseas points.

**kc (Kilocycle)** A kilocycle (kc) means one kilocycle per second and is equal to one thousand cycles per second.

**Land mobile service:** A mobile service between base stations and land mobile stations, or between land mobile stations.

**Land mobile station (ML)** A mobile station in the land mobile service capable of surface movement within the geographical limits of a country or continent.

**Land station (FL)** A station in the mobile service not intended for operation while in motion.

**Land transportation radio services:** Any service of radiocommunication operated by, and for the sole use of certain land transportation common carriers, the radio transmitting facilities of which are defined as fixed, land, or mobile stations. (In column 11 of the table of frequency allocations (see C., 5.), the term "Land Transportation" means only those stations in the Land Transportation Radio Services included by definition in the classes of stations (column 9) allocated the frequency band (column 7) which included the frequency (column 10) to the left of such entry in column 11.)

**Localizer station (RLI)** A radionavigation land station in the aeronautical radionavigation service which provides signals for the lateral guidance of aircraft with respect to a runway center line.

**Loran station (RLO)** A long distance radionavigation land station transmitting synchronized pulses. Hyperbolic lines of position are determined by the measurement of the difference in the time of arrival of these pulses at a given point.

**Maritime mobile service:** A mobile service between ship stations and coast stations, or between ship stations.

**Maritime radionavigation service:** A radionavigation service intended for the benefit of ships.

**Mc (Megacycle)** A megacycle (Mc) means one thousand kilocycles.

**Meteorological aids service:** A service of omissions of special radio signals intended solely for meteorological, including hydrological, observations and exploration.

**Meteorological radar station:** A station in the meteorological aids service employing radar.

**Mobile (except television pickup) station (MOZ)** Any mobile station other than a Television Pickup Station.

**Mobile service:** A service of radiocommunication between mobile and land stations, or between mobile stations.

**Mobile station (MO)** A station in a mobile service intended to be used while in motion or during halts at unspecified points.

**Modulation:** The process of producing a wave some characteristic of which varies as a function of the instantaneous value of another wave, called the modulating wave.

**Operational fixed station (FXO)** A fixed station, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the Public Safety, Industrial, Land Transportation, or Aviation Services.

**Primary standard of frequency:** The primary standard of frequency for radiofrequency measurements shall be the national standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Washington, D. C. The operating frequency of all radio stations will be determined by comparison with this standard or the standard signals of station WWV of the National Bureau of Standards.

**Private aircraft station (MAP)** An aircraft station on board an aircraft not operated as an air carrier.

**Public correspondence:** Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

**Public safety radio service:** Any service of radiocommunication essential to either the discharge of non-federal governmental functions relating to public safety responsibilities or the alleviation of an emergency endangering life or property, the radio transmitting facilities of which are defined as fixed, land, or mobile stations. (In column 11 of the table of frequency allocations (see C., 5.), the term "Public Safety" means only those stations, in the Public Safety Radio Services, included by definition in the classes of stations (column 9) allocated the frequency band (column 7) which includes the frequency (column 10) to the left of such entry in column 11.)

**Racon:** A radionavigation system transmitting, automatically or in response to a predetermined received signal, a pulsed radio signal with specific characteristics.

**Racon station (RLC)** A radionavigation land station which employs a racon.

**Radar:** Radiolocation system where transmission and reception is carried out at the same location, and which utilizes the reflecting or retransmitting properties of objects in order to determine their positions.

**Radio:** A general term applied to the use of Hertzian waves.

**Radiobeacon station:** A radionavigation station the emissions of which are intended to enable a mobile station to determine its bearing or its direction in relation to the radiobeacon station.

**Radiocommunication:** Any telecommunication by means of Hertzian waves.

**Radio direction finding:** Radiolocation in which only the direction of a station is determined by means of its emissions.

**Radio direction finding station (RG)** A radiolocation station intended to determine only the direction of other stations by means of transmissions from the latter.

**Radiolocation:** Determination of a position or of a direction by means of the constant velocity of rectilinear propagation properties of Hertzian waves.

**Radiolocation service:** A service involving the use of radiolocation.

**Radiolocation station:** A station in the radiolocation service.

**Radionavigation:** Radiolocation intended solely for the determination of position or

direction or for obstruction warning, in navigation.

**Radionavigation land station (RL).** A station in the radionavigation service not intended for operation while in motion.

**Radionavigation mobile station (RO):** A station in the radionavigation service intended to be used while in motion or during halts at unspecified points.

**Radionavigation service:** A radiolocation service involving the use of radionavigation.

**Radionavigation station:** A station in the radionavigation service.

**Radio range station (RLR)** A radionavigation land station in the aeronautical radionavigation service providing either radial equisignal zones or direct indication of the bearing of that station from an aircraft.

**Radiosonde:** An automatic radio transmitter in the meteorological aids service usually carried on an aircraft, free balloon, kite or parachute, which transmits meteorological data.

**Radiosonde station (WXR)** A station in the meteorological aids service employing a radiosonde.

**Remote pickup broadcast station (MOR)** A mobile station, other than a ship or aircraft station, licensed for the transmission of program material from remote points or origination to a broadcasting station for simultaneous or delayed broadcasting and for the transmission of orders pertaining to such programs.

**Ship station (MS)** A mobile station in the maritime mobile service located on board a vessel which is not permanently moored.

**Standard frequency service:** A radiocommunication service for the transmission of standard and specified frequencies of known high accuracy, intended for general reception.

**Standard frequency station (SS)** A station in the standard frequency service.

**Surveillance radar station (RLS)** A radionavigation land station in the aeronautical radionavigation service employing a pulsed emission radar to display the presence of those aircraft within its range.

**Telecommunication:** Any transmission, emission or reception of signs, signals, writings, images, and sounds or intelligence of any nature by wire, radio, visual or other electromagnetic systems.

**Telegraphy:** A system of telecommunication for the transmission of written matter by the use of a signal code.

**Telemetering:** Automatic radiocommunication, in a fixed or mobile service, intended to indicate or record a measurable variable quantity at a distance.

**Telemetering fixed station (FXE)** A fixed station the emissions of which are used for telemetering.

**Telemetering land station (FLE)** A land station the emissions of which are used for telemetering.

**Telemetering mobile station (MOE)** A mobile station the emissions of which are used for telemetering.

**Telephony:** A system of telecommunication set up for the transmission of speech or, in some cases, other sounds.

**Television:** A system of telecommunication for transmission of transient images of fixed or moving objects.

**Television broadcasting station (BCT)** A broadcasting station utilizing both television and telephony to provide combination and simultaneous visual and aural programs intended to be received directly by the general public.

**Television pickup station (MOT)** A mobile station, other than a ship or aircraft station, used either by television broadcast licenses or communications common carriers for the transmission of television broadcasting of a temporary nature such as ball games, parades, news events, etc. to television broadcasting stations from locations where wire service is not practicable.

**Television STL station (television studio to transmitter link) (FXT)** A fixed station

used either by television broadcast licenses or communications common carriers for the transmission of television broadcasting programs from studios to television broadcasting transmitters where wire service is not practicable.

#### B. Allocation, assignment and use of radio frequencies

1. The assignment of frequencies and bands of frequencies to all stations and classes of stations and the licensing and authorizing of the use of all such frequencies between 10 kc and 30,000 Mc, and the actual use of such frequencies, for radiocommunication or for any other purpose, including the transfer of energy by radio, shall be in accordance with the table of frequency allocations herein.

2. The Commission records in its Master Frequency Record all assignments of radio frequencies, licensed or otherwise authorized by the Commission, and uses the following symbols to designate the several classes of stations:

Symbol	Class of station
AR.....	Amateur station.
BC.....	Broadcasting station.
BCF.....	FM broadcasting station.
BCI.....	International broadcasting station.
BCM.....	Facsimile broadcasting station.
BCT.....	Television broadcasting station.
EX.....	Experimental station.
FA.....	Aeronautical station.
FAC.....	Airport control station.
FAS.....	Flying school station.
FAT.....	Flight test station.
FB.....	Base station.
FC.....	Coast station.
FL.....	Land station.
FLE.....	Telemetering land station.
FLU.....	Aeronautical utility land station.

Symbol	Class of station
FX.....	Fixed station.
FXA.....	Aeronautical fixed station.
FXC.....	Common carrier fixed station.
FXE.....	Telemetering fixed station.
FXF.....	FM broadcast STL station.
FXI.....	International control station.
FXM.....	Interim FM relay station.
FXN.....	Interim television relay station.
FXO.....	Operational fixed station.
FXT.....	Television STL station.
MA.....	Aircraft station.
MAA.....	Air carrier aircraft station.
MAP.....	Private aircraft station.
ML.....	Land mobile station.
MO.....	Mobile station.
MOE.....	Telemetering mobile station.
MOR.....	Remote pickup broadcast station.
MOT.....	Television pickup station.
MOU.....	Aeronautical utility mobile station.
MOZ.....	Mobile (except television pickup) station.
MS.....	Ship station.
RG.....	Radio direction-finding station.
RL.....	Radionavigation land station.
RLA.....	Aeronautical marker beacon station.
RLC.....	Racon station.
RLG.....	Glide scope station.
RLL.....	Localizer station.
RLO.....	Loran station.
RLR.....	Radio range station.
RLS.....	Surveillance radar station.
RO.....	Radionavigation mobile station.
ROA.....	Altimeter station.
SS.....	Standard frequency station.
WXR.....	Radiosonde station.

3. Nomenclature of frequencies: Frequencies shall be expressed in kilocycles per second (kc) at and below 30,000 kilocycles per second and in megacycles per second (Mc) above this frequency.

Frequency subdivision	Frequency range
VLF (very low frequency).....	Below 30 kc.
LF (low frequency).....	30 to 300 kc.
MF (medium frequency).....	300 to 3,000 kc.
HF (high frequency).....	3,000 to 30,000 kc.
VHF (very high frequency).....	30,000 to 300 Mc.
UHF (ultra high frequency).....	300 Mc. to 3,000 Mc.
SHF (super high frequency).....	3,000 Mc to 30,000 Mc.
EHF (extremely high frequency).....	30,000 Mc to 300,000 Mc.

4. The international table of frequency allocations below 25 Mc in Article 7 of the Cairo (1938) Radio Regulations is in force until the effective date of the new International Frequency List, as stipulated in Article 47 of the Atlantic City (1947) Radio Regulations.

5. The stipulation contained in paragraph 79 of the Cairo (1938) Radio Regulations (Articles 7, s 3), applies and will apply to the bands of frequencies between 25 and 27.5 Mc in the table of frequency allocations, until the effective date of the new International Frequency List, as stipulated in Article 47 of the Atlantic City (1947) Radio Regulations.

#### C. Table of frequency allocations

1. The allocations shown in columns 1-4 inclusive in the table of frequency allocations, for the bands of frequencies above 27.5 Mc, have the status of a Rule until January 1, 1949, the effective date of the Atlantic City table of frequency allocations above 27.5 Mc and are those indicated in Chapter III, Atlantic City (1947) Radio Regulations.

2. In column 6 of the table of frequency allocations the letter G means federal government radio stations, i. e., those owned and operated by the United States; the symbol NG means other than Federal government radio stations, i. e., those whose frequencies are assigned by the Commission.

3. In column 11 of the table of frequency allocations, any entry applies only to those

stations included by their own definitions in the classes of stations (column 9) allocated the frequency band (column 7) which includes the frequency (column 10) to the left of such entry in column 11. In column 11, "Services" are in roman type and "stations" in italics.

4. The following symbols are used to designate footnotes in the table of frequency allocations:

a. Any footnote consisting only of digits, e. g., (59), is from the Atlantic City Radio Regulations (see Chapter III, paragraphs 93, 99, 103).

b. Any footnote consisting of the letters AC followed by one or more digits, e. g., AC1, denotes a paragraph in the Atlantic City (1947) Radio Regulations; the text of each such footnote is preceded by a parenthetical reference to the pertinent paragraph, Chapter and article numbers; and the symbol RE means "Atlantic City (1947) Radio Regulations."

c. Any footnote consisting of the letters US followed by one or more digits, e. g., US1, denotes a stipulation the application of which is not limited to non-government stations.

d. Any footnote consisting of the letters NG followed by one or more digits, e. g., NG1, is a stipulation applicable to the use of a band allocated exclusively for non-government stations.

5. The following is the Commission's table of frequency allocations:









TABLE OF FREQUENCY ALLOCATIONS—25 TO 30 000 Mc—Continued

World wide			Region 2		United States		Federal Communications Commission			
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Freq Mc	Nature of services (of stations)
1	2	3	4	5	6	7	8	9	10	11
									39 54	Public safety
									39 58	Do
									39 62	Do
									39 66	Do
									39 70	Do
									39 74	Do
									39 78	Do
									39 82	Do
									39 86	Do
									39 90	Do
									39 94	Do
									39 98	Do
					G				40 02	Do
					NG				40 06	Do
						42-43 (NG1)	Land mobile	a Base, b Land mobile	42 10	Do
									42 14	Do
									42 18	Do
									42 22	Do
									42 26	Do
									42 30	Do
									42 34	Do
									42 38	Do
									42 42	Do
									42 46	Do
									42 50	Do
									42 54	Do
									42 58	Do
									42 62	Do
									42 66	Do
									42 70	Do
									42 74	Do
									42 78	Do
									42 82	Do
									42 86	Do
									42 90	Do
									42 94	Do
									42 98	Do
									43 02	Do
									43 06	Do
						43 0-43.2 (NG1)	a Maritime mobile b Land mobile	a Coast b Ship c Base, d Land mobile	43 10	Industrial, Industrial; maritime mobile.
						43.2-50 0 (NG1)	Land mobile	a Base, b Land mobile	43 14	Do
									43 18	Do
									43 22	Domestic public; land transfer station
									43 26	Do
									43 30	Do
									43 34	Do
									43 38	Do
									43 42	Do
									43 46	Do
									43 50	Do
									43 54	Do
									43 58	Do
									43 62	Do
									43 66	Do
									43 70	Do
									43 74	Do
									43 78	Do
									43 82	Do
									43 86	Do
									43 90	Do
									43 94	Do
									43 98	Do
									44 02	Do
									44 06	Land transportation
									44 10	Do
									44 14	Do
									44 18	Do
									44 22	Do
									44 26	Do
									44 30	Do
									44 34	Do
									44 38	Do
									44 42	Do
									44 46	Do
									44 50	Do
									44 54	Do
									44 58	Do
									44 62	Do
									44 66	Do
									44 70	Do
									44 74	Do
									44 78	Do
									44 82	Do
									44 86	Do
									44 90	Do
									44 94	Do
									44 98	Do
									45 02	Do
									45 06	Do
									45 10	Do
									45 14	Do
									45 18	Do
									45 22	Do
									45 26	Do
									45 30	Do
									45 34	Do
									45 38	Do
									45 42	Do
									45 46	Do
									45 50	Do
									45 54	Do
									45 58	Do
									45 62	Do
									45 66	Do
									45 70	Do
									45 74	Do
									45 78	Do
									45 82	Do
									45 86	Do
									45 90	Do
									45 94	Do
									45 98	Do
									46 02	Do
									46 06	Do
									46 10	Do
									46 14	Do
									46 18	Do
									46 22	Do
									46 26	Do
									46 30	Do
									46 34	Do
									46 38	Do
									46 42	Do
									46 46	Do
									46 50	Do
									46 54	Do
									46 58	Do
									46 62	Do
									46 66	Do
									46 70	Do
									46 74	Do
									46 78	Do
									46 82	Do
									46 86	Do
									46 90	Do
									46 94	Do
									46 98	Do
									47 02	Do
									47 06	Do
									47 10	Do
									47 14	Do
									47 18	Do
									47 22	Do
									47 26	Do
									47 30	Do
									47 34	Do
									47 38	Do
									47 42	Do
									47 46	Do
									47 50	Do
									47 54	Do
									47 58	Do
									47 62	Do
									47 66	Do
									47 70	Do
									47 74	Do
									47 78	Do
									47 82	Do
									47 86	Do
									47 90	Do
									47 94	Do
									47 98	Do
									48 02	Do
									48 06	Do
									48 10	Do
									48 14	Do
									48 18	Do
									48 22	Do
									48 26	Do
									48 30	Do
									48 34	Do
									48 38	Do
									48 42	Do
									48 46	Do
									48 50	Do



TABLE OF FREQUENCY ALLOCATIONS—25 TO 30 000 MC.—Continued

World wide		Region 2		United States		Federal Communications Commission				Nature of services or stations
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	
1	2	3	4	5	6	7	8	9	10	11
										Public Safety
									45.68	Do
									45.69	Do
									45.70	Do
									45.71	Do
									45.72	Do
									45.73	Do
									45.74	Do
									45.75	Do
									45.76	Do
									45.77	Do
									45.78	Do
									45.79	Do
									45.80	Do
									45.81	Do
									45.82	Do
									45.83	Do
									45.84	Do
									45.85	Do
									45.86	Do
									45.87	Do
									45.88	Do
									45.89	Do
									45.90	Do
									45.91	Do
									45.92	Do
									45.93	Do
									45.94	Do
									45.95	Do
									45.96	Do
									45.97	Do
									45.98	Do
									45.99	Do
									46.00	Do
									46.01	Do
									46.02	Do
									46.03	Do
									46.04	Do
									46.05	Do
									46.06	Do
									46.07	Do
									46.08	Do
									46.09	Do
									46.10	Do
									46.11	Do
									46.12	Do
									46.13	Do
									46.14	Do
									46.15	Do
									46.16	Do
									46.17	Do
									46.18	Do
									46.19	Do
									46.20	Do
									46.21	Do
									46.22	Do
									46.23	Do
									46.24	Do
									46.25	Do
									46.26	Do
									46.27	Do
									46.28	Do
									46.29	Do
									46.30	Do
									46.31	Do
									46.32	Do
									46.33	Do
									46.34	Do
									46.35	Do
									46.36	Do
									46.37	Do
									46.38	Do
									46.39	Do
									46.40	Do
									46.41	Do
									46.42	Do
									46.43	Do
									46.44	Do
									46.45	Do
									46.46	Do
									46.47	Do
									46.48	Do
									46.49	Do
									46.50	Do
									46.51	Do
									46.52	Do
									46.53	Do
									46.54	Do
									46.55	Do
									46.56	Do
									46.57	Do
									46.58	Do
									46.59	Do
									46.60	Do
									46.61	Do
									46.62	Do
									46.63	Do
									46.64	Do
									46.65	Do
									46.66	Do
									46.67	Do
									46.68	Do
									46.69	Do
									46.70	Do
									46.71	Do
									46.72	Do
									46.73	Do
									46.74	Do
									46.75	Do
									46.76	Do
									46.77	Do
									46.78	Do
									46.79	Do
									46.80	Do
									46.81	Do
									46.82	Do
									46.83	Do
									46.84	Do
									46.85	Do
									46.86	Do
									46.87	Do
									46.88	Do
									46.89	Do
									46.90	Do
									46.91	Do
									46.92	Do
									46.93	Do
									46.94	Do
									46.95	Do
									46.96	Do
									46.97	Do
									46.98	Do
									46.99	Do
									47.00	Do

See notes at end of table

TABLE OF FREQUENCY ALLOCATIONS—25 TO 30 000 Mc—Continued

World wide		Region 2		United States		Federal Communications Commission			
Band Mc	Service	Band Mc	Service	Band Mc	Service	Band Mc	Service	Class of station	Frequency Mc
1	2	3	4	5	6	7	8	9	10
									11
									Public safety.
									47 02 Do.
									47 04 Do.
									47 06 Do.
									47 08 Do.
									47 10 Do.
									47 12 Do.
									47 14 Do.
									47 16 Do.
									47 18 Do.
									47 20 Do.
									47 22 Do.
									47 24 Do.
									47 26 Do.
									47 28 Do.
									47 30 Do.
									47 32 Do.
									47 34 Do.
									47 36 Do.
									47 38 Do.
									47 40 Do.
									47 42 Do.
									47 44 Do.
									47 46 Do.
									47 48 Do.
									47 50 Do.
									47 52 Do.
									47 54 Do.
									47 56 Do.
									47 58 Do.
									47 60 Do.
									47 62 Do.
									47 64 Do.
									47 66 Do.
									47 68 Do.
									47 70 Do.
									47 72 Do.
									47 74 Do.
									47 76 Do.
									47 78 Do.
									47 80 Do.
									47 82 Do.
									47 84 Do.
									47 86 Do.
									47 88 Do.
									47 90 Do.
									47 92 Do.
									47 94 Do.
									47 96 Do.
									47 98 Do.
									48 00 Do.
									48 02 Do.
									48 04 Do.
									48 06 Do.
									48 08 Do.
									48 10 Do.
									48 12 Do.
									48 14 Do.
									48 16 Do.
									48 18 Do.
									48 20 Do.
									48 22 Do.
									48 24 Do.
									48 26 Do.
									48 28 Do.
									48 30 Do.
									48 32 Do.
									48 34 Do.
									48 36 Do.
									48 38 Do.
									48 40 Do.
									48 42 Do.
									48 44 Do.
									48 46 Do.
									48 48 Do.
									48 50 Do.
									48 52 Do.
									48 54 Do.
									48 56 Do.
									48 58 Do.
									48 60 Do.
									48 62 Do.
									48 64 Do.
									48 66 Do.
									48 68 Do.
									48 70 Do.
									48 72 Do.
									48 74 Do.
									48 76 Do.
									48 78 Do.
									48 80 Do.
									48 82 Do.
									48 84 Do.
									48 86 Do.
									48 88 Do.
									48 90 Do.
									48 92 Do.
									48 94 Do.
									48 96 Do.
									48 98 Do.
									49 00 Do.
									49 02 Do.
									49 04 Do.
									49 06 Do.
									49 08 Do.
									49 10 Do.
									49 12 Do.
									49 14 Do.
									49 16 Do.
									49 18 Do.
									49 20 Do.
									49 22 Do.
									49 24 Do.
									49 26 Do.
									49 28 Do.
									49 30 Do.
									49 32 Do.
									49 34 Do.
									49 36 Do.
									49 38 Do.
									49 40 Do.
									49 42 Do.
									49 44 Do.
									49 46 Do.
									49 48 Do.
									49 50 Do.
									49 52 Do.
									49 54 Do.
									49 56 Do.
									49 58 Do.
									49 60 Do.
									49 62 Do.
									49 64 Do.
									49 66 Do.
									49 68 Do.
									49 70 Do.
									49 72 Do.
									49 74 Do.
									49 76 Do.
									49 78 Do.
									49 80 Do.
									49 82 Do.
									49 84 Do.
									49 86 Do.
									49 88 Do.
									49 90 Do.
									49 92 Do.
									49 94 Do.
									49 96 Do.
									49 98 Do.
									50 00 Do.

See notes at end of table.



TABLE OF FREQUENCY ALLOCATIONS—25 TO 30 000 Mc—Continued

World wide		Region 2		United States		Federal Communications Commission			
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc
1	2	3	4	5	6	7	8	9	10
									Industrial
									48 40
									48 48
									48 50
									48 52
									48 54
									48 56
									48 58
									48 60
									48 62
									48 64
									48 66
									48 68
									48 70
									48 72
									48 74
									48 76
									48 78
									48 80
									48 82
									48 84
									48 86
									48 88
									48 90
									48 92
									48 94
									48 96
									48 98
									49 00
									49 02
									49 04
									49 06
									49 08
									49 10
									49 12
									49 14
									49 16
									49 18
									49 20
									49 22
									49 24
									49 26
									49 28
									49 30
									49 32
									49 34
									49 36
									49 38
									49 40
									49 42
									49 44
									49 46
									49 48
									49 50
									49 52
									49 54
									49 56
									49 58
									49 60
									49 62
									49 64
									49 66
									49 68
									49 70
									49 72
									49 74
									49 76
									49 78
									49 80
									49 82
									49 84
									49 86
									49 88
									49 90

See notes at end of table



TABLE OF FREQUENCY ALLOCATIONS—25 TO 30 000 Mc—Continued

World wide			Region 2		United States		Federal Communications Commission			
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frc quency Mc	Nature of services (of stations)
1	2	3	4	5	6	7	8	0	10	11
(22)				(US3)		76 4-76 0 (NG1)	Fixed (NG3)	Fixed	74 38 74 42 74 46 74 50 74 54 74 58 75 42 75 46 75 50 75 54 75 58 76 02 76 06 76 10 76 14 76 18 76 22 76 26 76 30 76 34 76 38 76 42 76 46 76 50 76 54 76 58 77 02 77 06 77 10 77 14 77 18 77 22 77 26 77 30 77 34 77 38 77 42 77 46 77 50 77 54 77 58 78 02 78 06 78 10 78 14 78 18 78 22 78 26 78 30 78 34 78 38 78 42 78 46 78 50 78 54 78 58 79 02 79 06 79 10 79 14 79 18 79 22 79 26 79 30 79 34 79 38 79 42 79 46 79 50 79 54 79 58 80 02 80 06 80 10 80 14 80 18 80 22 80 26 80 30 80 34 80 38 80 42 80 46 80 50 80 54 80 58 81 02 81 06 81 10 81 14 81 18 81 22 81 26 81 30 81 34 81 38 81 42 81 46 81 50 81 54 81 58 82 02 82 06 82 10 82 14 82 18 82 22 82 26 82 30 82 34 82 38 82 42 82 46 82 50 82 54 82 58 83 02 83 06 83 10 83 14 83 18 83 22 83 26 83 30 83 34 83 38 83 42 83 46 83 50 83 54 83 58 84 02 84 06 84 10 84 14 84 18 84 22 84 26 84 30 84 34 84 38 84 42 84 46 84 50 84 54 84 58 85 02 85 06 85 10 85 14 85 18 85 22 85 26 85 30 85 34 85 38 85 42 85 46 85 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TABLE OF FREQUENCY ALLOCATIONS—25 TO 30 000 MC—Continued

World wide			Region 2		United States		Federal Communications Commission			
Band Mo	Service	Band Mo	Service	Band Mo	Allocation	Band Mo	Service	Class of station	Frequency MC	Nature: (of services of stations)
1	2	3	4	5	6	7	8	9	10	11
										Domestic public (NCG6)
									152 39	Do
									152 45	Do
									152 51	Do
									152 57	Do
									152 63	Do
									152 69	Do
									152 75	Industrial
									152 81	Do
									152 87	Do
									152 93	Do
									152 99	Do
									153 05	Do
									153 11	Do
									153 17	Do
									153 23	Do
									153 29	Do
									153 35	Do
									153 41	Do
									153 47	Do
									153 53	Do
									153 59	Do
									153 65	Do
									153 71	Do
									153 77	Public safety
									153 83	Do
									153 89	Do
									153 95	Do
									154 01	Do
									154 07	Do
									154 13	Do
									154 19	Do
									154 25	Do
									154 31	Do
									154 37	Do
									154 43	Do
									154 49	Do
									154 55	Do
									154 61	Do
									154 67	Do
									154 73	Do
									154 79	Do
									154 85	Do
									154 91	Do
									154 97	Do
									155 03	Do
									155 09	Do
									155 15	Do
									155 21	Do
									155 27	Do
									155 33	Do
									155 39	Do
									155 45	Do
									155 51	Do
									155 57	Do
									156 03	Do
									156 09	Public safety (NCG6)
									156 15	Maritime mobile (NCG7)
									156 21	Public safety (NCG6)
									156 27	Maritime mobile (NCG8-9)
									156 33	Public safety (NCG6)
									156 39	Do
									156 45	Maritime mobile (NCG10)
									156 51	Public safety (NCG6)
									156 57	Do
									157 03	Maritime mobile (NCG8, 9)
									157 09	Public safety (NCG6)
									157 15	Do
									157 21	Public safety (NCG6)
									157 27	Do
									157 33	Maritime mobile (NCG8, 9)
									157 39	Public safety (NCG6)
									157 45	Do
									157 51	Public safety (NCG6)
									157 57	Do
									158 03	Public safety (NCG6)
									158 09	Maritime mobile (NCG7)
									158 15	Public safety (NCG6)
									158 21	Maritime mobile (NCG8-9)
									158 27	Public safety (NCG6)
									158 33	Do
									158 39	Maritime mobile (NCG10)
									158 45	Public safety (NCG6)
									158 51	Do
									158 57	Maritime mobile (NCG8, 9)
									159 03	Public safety (NCG6)

See notes at end of table





## PROPOSED RULE MAKING

TABLE OF FREQUENCY ALLOCATIONS--25 TO 30 000 Mc--Continued

World wide			Region 2		United States		Federal Communications Commission				Nature of services of stations
Band Mc	Service		Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	
1	2	3	420-460	4	420-460 (US10)	Amateur (US1)	420-460	8	a Base, b Land mobile	10	M
	a Aeronautical radio navigation (06 97) b Amateur (06 97)	450-460			450-960 (US10)	NG	460-460 (NG11)	Amateur. Land mobile			Remote pickup broadcast
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See notes at end of table.





TABLE OF FREQUENCY ALLOCATIONS—25 TO 30 000 MC—Continued

World wide			Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frc quency Mc	Nature of services of stations	
1	2	3	4	5	6	7	8	9	10	11	
2000-3300	Radio navigation (109 110)					2000-3240	Radio navigation	Racon	3256	Racon	
3300-3900		3300-3500 3500-3900	Amateur a. Fixed, b. Mobile	3300-3500 3500-4200	Amateur NG	3246-3268 3269-3300 3300-3500 3500-3700 (NG1)	Radio navigation Radio navigation Amateur Mobile	Mobile (except television pickup) Common carrier fixed			
3900-4200	a. Fixed, b. Mobile, Aeronautical radio- navigation			4200-4400	G NG	3700-4200 (NG1)	Fixed	Altimeter			
4200-4400 (AC3)				4400-5000	G	4200-4400	Aeronautical radio naviga tion				
4400-5000	a. Fixed, b. Mobile, Aeronautical radio- navigation.			5000-5650	G NG	5000-5250	Aeronautical radio naviga tion	Instrument landing			
5000-5250 (AC4)	Radio navigation (112 113)					5250-5440	Radio navigation				
5250-5650				5650-5925	Amateur	5440-5460 5460-5650 5650-5925	Radio navigation Radio navigation Amateur	Racon	5450	Racon	
5650-5850 (114)	Amateur.								5850	Industrial, scientific and medical equipment	
5850-5925 (114)	a. Fixed, b. Mobile	5850-5925	Amateur	5925-7125	NG	5925-6425 (NG1) 6425-6575 (NG1) 6575-6875 (NG1 13) 6875-7125 (NG1)	Fixed Mobile Fixed a. Fixed b. Mobile	Common carrier fixed Mobile (except television pickup) International control Operational fixed a. Television pickup (NG16) b. Television STL (NG16)			
5930-6300	Radio navigation (116 117)			7125-8300 8300-8600	G, NG	8500-9300	Radionavigation	Racon	9310	Racon	
8800-10000	a. Fixed b. Radionavigation			9800-9900	NG	9300-9320 9320-9800 9800-9900 (NG1)	Radionavigation Radionavigation Fixed				
10000-10500	Amateur	Not allo- cated		9900-10000 10000-10500 10500-10700 (US14) 10700-13200	G Amateur G NG NG	10000-10500	Amateur		10000	Industrial, scientific and medical equipment	
Above 10500				13200-16000 16000-18000 (US15) 18000-21000 (US16) 21000-22000 22000-25000 25000-30000 Above 30000	G NG G Amateur G NG G NG	10700-11700 (NG1) 11700-12200 (NG1) 12200-12700 (NG1 13) 12700-13200 (NG1) 16000-18000 (NG1)	Fixed. Mobile Fixed a. Fixed, b. Mobile a. Fixed, b. Mobile	Common carrier fixed. Mobile (except television pickup) International control. Operational fixed a. Television pickup (NG16) b. Television STL (NG16),			
						21000-22000 25000-30000 (NG1)	Amateur a. Fixed, b. Mobile	a. Experimental. b. Amateur.	18000	Industrial, scientific and medical equipment	

(33) For the explanation of the term "Aeronautical mobile (B)" see 2-3 (Chapter III art 9 RB) (and A C1)

(34) The standard frequency is 25 Mc.

(35) The frequency 27.12 Mc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of  $\pm 0.6\%$  of that frequency. Radiocommunication services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(36) In Region 2, Australia, New Zealand, the Union of South Africa and the territory under mandate of South Africa the amateur service will operate within the band 26.95-27.23 Mc.

(37) The frequency 40.03 Mc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of  $\pm 0.6\%$  of that frequency. Radiocommunication services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.



(e) The classification of emissions is tabulated below:

Type of modulation or emission	Type of transmission	Supplementary characteristics	Symbol	Type of modulation or emission	Type of transmission	Supplementary characteristics	Symbol
Amplitude modulated.	Absence of any modulation.	-----	A0	Frequency (or phase) modulated.	Telephony.....	-----	F3
	Telegraphy without the use of modulating audio frequency (on-off keying).	-----	A1		Facsimile.....	-----	F4
	Telegraphy by the keying of a modulating audio frequency or audio frequencies or by the keying of the modulated emission (special case: an unkeyed modulated emission).	-----	A2		Television.....	-----	F5
	Telephony.....	Double sideband, full carrier.	A3		Composite transmissions and cases not covered by the above.	-----	F9
	Facsimile.....	Single sideband, reduced carrier.	A3a		Absence of any modulation intended to carry information.	-----	P0
	Television.....	Two independent sidebands, reduced carrier.	A3b		Telegraphy without the use of modulating audio frequency.	-----	P1
	Composite transmissions and cases not covered by the above.	-----	A4		Telegraphy by the keying of a modulating audio frequency or audio frequencies, or by the keying of the modulated.	-----	-----
	Composite transmissions.	Reduced carrier.....	A4c		Pulse (special case: an unkeyed modulated pulse).	Audio frequency or audio frequencies modulating the pulse in amplitude.	P2d
	Absence of any modulation.	-----	A5		Telephony.....	Audio frequency or audio frequencies modulating the width of the pulse.	P2e
	Telegraphy without the use of modulating audio frequency (frequency shift keying).	-----	A9		Composite transmissions and cases not covered by the above.	Audio frequency or audio frequencies modulating the phase (or position) of the pulse.	P2f
Frequency (or phase) Modulated.	Telegraphy by the keying of a modulating audio frequency or audio frequencies or by the keying of the modulated emission (special case: an unkeyed emission modulated by audio frequency).	-----	A9c	Frequency (or phase) Modulated.	Telephony.....	Amplitude modulated pulse.	P3d
	Telegraphy without the use of modulating audio frequency (frequency shift keying).	-----	F0		Composite transmissions and cases not covered by the above.	Width modulated pulse.	P3e
	Telegraphy by the keying of a modulating audio frequency or audio frequencies or by the keying of the modulated emission (special case: an unkeyed emission modulated by audio frequency).	-----	F1		Composite transmissions and cases not covered by the above.	Phase (or position) modulated pulse.	P3f
	Telegraphy without the use of modulating audio frequency (frequency shift keying).	-----	F2		Composite transmissions and cases not covered by the above.	-----	P9
	Telegraphy by the keying of a modulating audio frequency or audio frequencies or by the keying of the modulated emission (special case: an unkeyed emission modulated by audio frequency).	-----	F2		Composite transmissions and cases not covered by the above.	-----	-----

(f) The necessary bandwidth is the width of the frequency band which is necessary in the over-all system, including both transmitter and receiver, for the proper reproduction at the receiver of the desired information, and does not necessarily indicate the interfering characteristics of an emission. For the determination of this necessary bandwidth, the following table may be considered as a guide. In the formulation of the table, the following working terms have been employed:

$B$  = Telegraph speed in bands.

$\frac{N}{T}$  = Maximum possible number of black plus white elements to be transmitted per second, in facsimile television.

$M$  = Maximum modulation frequency expressed in cycles per second.

$D$  = Half the difference between the maximum and minimum values of the instantaneous frequencies;  $D$  being greater than  $2M$ , greater than  $\frac{N}{T}$

or greater than  $B$ , as the case may be. Instantaneous frequency is the rate of change of phase.

$t$  = Pulse length expressed in seconds.

$K$  = An over-all numerical factor which differs according to the emission and depends upon the allowable signal distortion and, in television, the time lost from the inclusion of a synchronizing signal.

(g) Table of Necessary Bandwidths.

## I. AMPLITUDE MODULATION

Description and class of emission	Necessary bandwidth in cycles per second	Examples		Description and class of emission	Necessary bandwidth in cycles per second	Examples	
		Details	Designation of emission			Details	Designation of emission
Continuous wave telegraphy A1.	$BK$ $K=5$ for fading circuits. $K=3$ for non-fading circuits.	Morse code at 25 words per minute. $B=20$ , bandwidth: 100 c/s. Four channel multiplex, 7 unit code, 60 words per minute per channel. $B=170$ , $K=5$ , bandwidth: 850 c/s.	0.1A1 0.85A1	Facsimile.....	$\frac{KN+2M}{T}$ $K=1.5$	The total number of picture elements (black and white) transmitted per second = the circumference of the cylinder (height of picture) $\times$ number of lines per unit length $\times$ speed of rotation of cylinder in revolutions per second $\times$ diameter of cylinder = 70 mm. Number of lines per mm = 3.77. Speed of rotation 1 turn per second. Frequency of modulation = 1,800 c/s. Bandwidth: $3,600 + 1,242 = 4,842$ c/s.	4.84A4
Telegraphy modulated at audio frequency A2.	$BK+2M$ $K=5$ for fading circuits. $K=3$ for non-fading circuits.	Morse code at 25 words per minute with 1,000-cycle tone. $B=20$ , bandwidth: 2,100 c/s.	2.1A2	Carrier modulated by tone and by keying A4.			
Commercial telephony A3.	$M$ , for single sideband. $2M$ , for double sideband.	For ordinary single sideband telephony, $M=3,000$ . For high-quality single sideband telephony, $M=4,000$ .	3A3a 4A3a				
Broadcasting A3.....	$2M$	$M$ may vary between 4,000 and 10,000 depending upon the quality desired.	8A3 to 20A3	Television A5.....	$\frac{KN}{T}$ $K=1.5$ (this allows for synchronization and filter shaping). Note: This band can be appropriately reduced when asymmetrical transmission is employed.	The total number of picture elements (black and white) transmitted per second = the number of lines forming each image $\times$ number of elements per line $\times$ number of pictures transmitted per second. Number of lines = 600. Number of elements per line = 600. Number of pictures per second = 25. Bandwidth: approximately 9 Mc/s.	9.000A5

## II. FREQUENCY MODULATION

Description and class of emission	Necessary bandwidth in cycles per second	Examples		Description and class of emission	Necessary bandwidth in cycles per second	Examples	
		Details	Designation of emission			Details	Designation of emission
Frequency-shift telegraphy F1.	<b>BK+2D</b>  K=5 for fading circuits K=3 for non-fading circuits	4-channel multiplex with 7-unit code. 60 words per minute per channel: B=170. K=5. D=425. Bandwidth: 1,700 c/s. For an average case of commercial telephony with: D=15,000. M=3,000. Bandwidth: 38,000 c/s.	17F1	Facsimile F4.	$\frac{KN}{T} + 2M + 2D$ K=1.5	(See facsimile, amplitude modulation): Cylinder diameter = 70 mm. Lines per mm = 3.77. Cylinder speed = 1 rps. Modulation tone = 1,500 c/s. D = 10,000 c/s. Bandwidth: 25,000 c/s (approximately).	25F4
Commercial telephony and broadcasting F3.	<b>2M+2DK</b>  For commercial telephony, K=1. For high-fidelity transmission, higher values of K may be necessary		36F3				

## III. PULSED EMISSIONS

Unmodulated pulse P0.	$\frac{2K}{T}$  K varies from 1 to 10 according to the permissible deviation in each particular case from a rectangular pulse shape. In many cases the value of K does not need to exceed 6.	$t = 3 \times 10^{-4}$ K=6  Bandwidth: $4 \times 10^4$ c/s.	4,000P0	Modulated pulse P2 or P3.	The bandwidth depends upon the particular types of modulation used. Many of these being still in the development stage.	
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## E. Rules relating to allocation and use of call signs and the identification of radio communication

1. For the purpose of identification of radiocommunications, with a view to the elimination of harmful interference and the general enforcement of applicable radio treaties, conventions, regulations, arrangements and agreements in force, and the enforcement of the Communications Act of

1934, as amended, and the Commission's Rules, each station using radio frequencies shall identify its transmissions as prescribed by the Rules governing such classes of stations.

2. Table of allocation of call signs: The table which follows indicates the composition and blocks of international call signs available for assignment when such call signs are required by the Rules pertaining to particular classes of stations. Assign-

ments will be made in each block beginning with the lowest alphabetic and numerical combination available in each call sign district and increasing until requirements are met. When stations operating in two or more classes are authorized to the same license, for the same location, the Commission may, when necessary, assign the same call sign to each such station and will determine which class of station will be used for the purpose of such assignment.

Column 1 Class of station	Column 2 Composition of call sign	Column 3 Callsign blocks available	Column 1 Class of station	Column 2 Composition of call sign	Column 3 Callsign blocks available
Coast <sup>1</sup> .....	3 letters.....	KAA through KZZ. WAA through WZZ.	Aircraft telegraph and telephone. Lifeboats, aircrafts and other survival craft.	Same as for aircraft telegraph. Call sign of parent ship or aircraft plus 2 digits from 29 to 99 inclusive. The parent call sign must in such cases be a 5 letter call, if aircraft, or a 4 letter call, if a ship. See parts 8 and 9 of the Rules.	
Aeronautical <sup>2</sup> .....	3 letters, 1 digit.....	KAA2 through KZZ2. WAA2 through WZZ2.			
Fixed <sup>3</sup> .....	3 letters, 2 digits.....	KAA29 through KZZ29. WAA29 through WZZ29.			
Coastal Telephone in Alaska <sup>3</sup> .....					
Land (other than aeronautical and coast) <sup>2</sup> .....	3 letters, 3 digits.....	KAA299 through KZZ299. WAA299 through WZZ299.			
Mobile telegraph (other than ship and aircraft).....	4 letters, 1 digit.....	KAAA2 through KZZ29. WAAA2 through WZZ29.			
Mobile telephone (other than ship and aircraft).....	2 letters, 4 digits.....	KAA299 through KZZ299.	Broadcasting <sup>4</sup> (standard).....		KAAA through KZZZ. WAAA through WZZZ.
Ship telegraph.....	4 letters.....	KAAA through KZZZ. WAAA through WZZZ.	Broadcasting (FM) (where the last 2 letters are FM).....	4 letters.....	KAAA-FM through KZZZ-FM.
Ship telephone <sup>1</sup> .....	2 letters, 4 digits.....	WA2999 through WZ2999.		5 letters <sup>5</sup> .....	WAAA-FM through WZZZ-FM.
Ship telegraph and telephone.....	Same as for ship telegraph.			6 letters.....	KAAAA-FM through KZZZZ-FM. WAAAA-FM through WZZZZ-FM.
Ship radar <sup>1</sup> .....	Same as for ship telephone.				
Ship radar and telegraph.....	Same as for ship telegraph.				
Ship radar and telephone.....	Same as for ship telephone.				
Aircraft telegraph.....	5 letters.....	KAAAA through KZZZZ. WAAAA through WZZZZ.			
Aircraft telephone.....	Registration number.....				

Column 1 Class of station	Column 2 Composition of call sign	Column 3 Call sign blocks available	Column 4 Call signs to be assigned	Column 1 Class of station	Column 2 Composition of call sign	Column 3 Call sign blocks available	Column 4 Call signs to be assigned
Broadcasting (television) (where the last 2 letters are TV).....	4 letters..... 5 letters <sup>6</sup> ..... 6 letters.....	KAAA through KZZZ..... WAAA through WZZZ..... KAA-TV through KZZ-TV. WAA-TV through WZZ-TV. KAA-TV through KZZ-TV. WAA-TV through WZZ-TV.	All.	Amateur (letter X may not follow digit).....	1 letter, 1 digit, 2 letters..... 1 letter, 1 digit, 3 letters..... 2 letters, 1 digit, 2 letters..... 2 letters, 1 digit, 3 letters.....	K1AA through K9ZZ..... W1AA through W9ZZ..... K1AAA through K9ZZZ..... W1AAA through W9ZZZ..... K1A1AA through K9Z1ZZ..... W1A1AA through W9Z1ZZ..... K1A1AAA through K9Z1ZZZ..... W1A1AAA through W9Z1ZZZ..... WV.....	
Experimental (where the letter "X" follows the digit).....	2LD3L (2 letters, 1 digit, 3 letters).....	KAZXAA through KZ9XZZ. WA2XAA through WZ9XZZ.		Standard frequency.....			

<sup>1</sup> Except for coastal telephone stations in the Territory of Alaska.

<sup>2</sup> Assignment shall be made according to the call sign district in which the station is located.

<sup>3</sup> See Part 8 of Commission's Rules for assignment of ship calls to vessels documented by the Customs Bureau of the Treasury Department and provided with distinguishing signals for visual and aural signalling.

<sup>4</sup> Any three-letter call sign now authorized for use by a licensee of a Standard Broadcast station may continue to be available to such licensee for use by the station to which it now is authorized.

<sup>5</sup> Available only to licensees of Standard Broadcast Stations already assigned a three-letter call sign.

## PROPOSED RULE MAKING

3. Table of geographic assignment of call signs: The following geographic allocation of call signs will be used for all fixed, land, and radionavigation land stations except coast stations (other than coastal telephone stations in Alaska.)<sup>1</sup>

Call sign area	Amateur digit	Call sequence, except amateur <sup>2</sup>
0-----	0	KAA-KBZ WAA-WBZ
1-----	1	KCA-KDZ WCA-WDZ

<sup>1</sup> Broadcasting station calls do not follow the sequence of this table.

<sup>2</sup> The first two letters of experimental station calls will follow the sequence of this table and will be followed with a digit other than 0 or 1.

Call sign area	Amateur digit	Call sequence, except amateur <sup>2</sup>
2-----	2	KEA-KFZ WEA-WFZ
3-----	3	KGA-KHZ WGA-WHZ
4-----	4	KIA-KJZ WIA-WJZ
5-----	5	KKA-KLZ WKA-WLZ
6-----	6	KMA-KNZ WMA-WNZ
7-----	7	KOA-KPZ WOA-WPZ
8-----	8	KQA-KRZ WQA-WRZ
9-----	9	KSA-KTZ WSA-WTZ
Pacific areas		KUA-KVZ KWA-KWZ
Alaska		WWA-WWZ
Atlantic-Caribbean areas		

### F. Rules relating to distress, disaster, and emergency communication

The rules relating to distress, disaster, and emergency communication as set forth in present Part 2 will be retained except that section 2.92 will be modified to include the Air Force.

### G. Rules relating to current radio laws, treaties, conventions, regulations, arrangements and agreements in force

1. For informational purposes the applicable Federal laws, international treaties, conventions, regulations, arrangements and agreements in force relating to radio and to which the United States is a party as of January 1, 1948, are listed below.

Unless otherwise indicated, copies of these documents may be obtained from the Government Printing Office, Washington 25, D. C.

Date	Series	Title	Date	Series	Title
1910		Ship Act of 1910 as amended July 23, 1912. (Those provisions relating to radiocommunication on the Great Lakes.)	1933	E. A. S. 136	Radio broadcasting arrangement between the U. S. A. and Canada. Effective by exchange of notes signed Oct. 23 and Dec. 10, 1933.
1925	T. S. 724-A	Arrangements between the U. S., Great Britain, Canada, and Newfoundland effected by exchange of notes September and October 1925, providing for the prevention of interference by ships off the coast of these countries with radio broadcasting.	1939	E. A. S. 143	Use of radio for civil aeronautical services arrangement between the U. S. A. and Canada. Effective Feb. 20, 1939.
1923 and 1929	T. S. 707-A	Arrangement effected by exchange of notes between the U. S. and Dominion of Canada governing radio-communications between private experimental stations. Signed Oct. 2, 1923, Dec. 29, 1923, and Jan. 12, 1929.	1940	E. A. S. 231	Inter-American Radiocommunications Agreement between the U. S. A. and other American Republics (Second Inter-American Conference) signed at Santiago, Chile, Jan. 26, 1940.
1929	T. S. 777-A	Arrangement between the U. S. A., Canada, Cuba and Newfoundland relating to assignment of high frequencies on the North American continent effected by exchange of notes signed at Ottawa Feb. 26 and 28, 1929. (Cuba ceased to be a party by virtue of notice to Canadian Government of Oct. 5, 1932, effective Oct. 5, 1933. Arrangement still in force with respect to U. S. A., Canada and Newfoundland.)	1940	E. A. S. 106	Agreement between U. S. A. and Mexico with regard to broadcasting effected by an exchange of notes signed Aug. 24 and 28, 1940. Effective Mar. 20, 1941.
1929	T. S. 910	Safety of Life at Sea Convention with Regulations between the United States of America and Other Powers, Signed at London May 31, 1929.	1941	E. A. S. 227	Supplementary North American Regional Broadcasting Agreement signed at Washington, Jan. 30, 1941. (See T. S. 962 and T. I. A. S. 1653).
1930	T. S. 921	Amendment to Reg. XIX of Annex 1 to the Safety of Life at Sea Convention. Dec. 31, 1930.	1944	E. A. S. 400	Agreement with Canada regarding construction and operation of radio broadcasting stations in North Western Canada, effected by exchange of notes signed at Ottawa, Nov. 5 and 25, 1943, and Jan. 17, 1944. This agreement is to "cease with the termination of the war."
1932	T. S. 867	International Telecommunications Convention, signed at Madrid, 1932. NOTE: This Convention will be superseded by the Atlantic City Convention which is effective Jan. 1, 1949.	1945		Inter-American Telecommunications Convention between the U. S. A. and other powers. (Third Inter-American Conference.) Signed at Rio de Janeiro Sept. 27, 1945. Not yet ratified by the United States (not available at the Government Printing Office).
1934		Communications Act of 1934, as amended.	1945	T. I. A. S. 1518	Telecommunications Agreement between the Government of the U. S. A. and Certain Governments of the British Commonwealth, and Protocol between the Government of the U. S. A. and the Government of the United Kingdom of Great Britain and Northern Ireland. Signed at Bermuda, Dec. 4, 1945.
1934	E. A. S. 62	Radio communications between private experimental stations and between amateur stations. Arrangement between the U. S. A. and the Dominion of Canada (continuing arrangement effective by exchange of notes signed Oct. 2, 1923, Dec. 29, 1923, and Jan. 12, 1929) effective by exchange of notes signed Apr. 23 and May 2 and 4, 1934. Effective May 4, 1934.	1946	T. I. A. S. 1553	North American Regional Broadcasting Interim Agreement between the U. S. A. and other governments (Modus Vivendi). Signed at Washington, Feb. 25, 1946. NOTE: See T. S. 962 and E. A. S. 227.
1934	E. A. S. 66	Radio communications between amateur stations on behalf of third parties. Arrangement between the U. S. A. and Peru. Effective May 23, 1934.	1946	T. I. A. S. 1527	Agreement between U. S. A. and U. S. R. on organization of commercial radio teletype communication channels. Signed at Moscow, May 24, 1946.
1934	E. A. S. 72	Radio communications between amateur stations on behalf of third parties. Arrangement between the U. S. A. and Chile. Effective by exchange of notes signed Aug. 2 and 17, 1934.	1947	T. I. A. S. 1726	Agreement providing for frequency modulation broadcasting in channels in the r. f. band 48-108 Mc. Effective by exchange of notes signed at Washington Jan. 8 and Oct. 15, 1947.
1937	E. A. S. 109	Exchange of information concerning issuance of radio licenses. Agreement between the U. S. A. and Canada. Effective by exchange of notes signed Mar. 2 and 10, Aug. 17, Sept. 8 and 20, Oct. 9, 1937. This agreement was largely superseded by the notification procedure established in the NARBA (TS 777-A, TS 962, EAS 227 and TIAS 1553) and under the Inter-American Radio Communications Convention (TS 938).	1947	T. I. A. S. 1670	Interim arrangement between the U. S. A. and Canada with respect to mobile radio transmitting stations. Effective by exchange of notes signed at Washington June 25 and Aug. 20, 1947.
1937	T. S. 962	North American Regional Broadcasting Agreement between the U. S. A., Canada, Cuba, Dominican Republic, Haiti, and Mexico. Signed at Habana, Dec. 13, 1937. NOTE: See E. A. S. 227 and TIAS 1553 which supplement this agreement.	1947		International Telecommunication and Radio Conferences of Atlantic City. Signed at Atlantic City, Oct. 2, 1947. Convention will come into force Jan. 1, 1949, replacing the Madrid Convention of 1932. T. S. 767. The Radio Regulations (replacing the Radio Regulations of Cairo, T. S. 918) will come into force on Jan. 1, 1949, except for the table of allocation of frequencies covering bands below 27,500 kc and certain specified articles—see art. 47—which shall come into force upon the effective date of a new engineered International Frequency List, as determined by a special Administrative Radio Conference. The engineered list is to be drafted by the Provisional Frequency Board, an international body which was specially constituted for this purpose. However, all or any portion of the band 160-250 kc, which is not subject to consideration by the PFB may come into force in Region 2 on or after Jan. 1, 1949, in accordance with special arrangements agreed upon by the interested countries of that Region. (Available through the American Radio Relay League, 33 La Salle Rd., West Hartford, Conn.)
1937	T. S. 938	Inter-American Radio Communications Convention between the U. S. A. and other powers. Signed at Havana Dec. 13, 1937. (First Inter-American Conference.) Still in force until superseded by the Rio Convention (signed in 1945 but not yet ratified) or another convention to be drafted at Bogota, Colombia, in 1949.	1947	T. I. A. S. 1652	Telecommunication Standardization of Distance Measuring Equipment Agreement between the U. S. A. and the United Kingdom of Great Britain and Northern Ireland. Signed at Washington Oct. 13, 1947.
1938	T. S. 948	General Radio Regulations (Cairo Revision, 1933) and Final Radio Protocol (Cairo Revision, 1938) annexed to the Telecommunication Convention (Madrid, 1932) between the U. S. A. and other powers. Signed at Cairo, Apr. 8, 1938. NOTE:—These will be superseded by the Radio Regulations and Final Radio Protocol of Atlantic City of Jan. 1, 1949.	1947	T. I. A. S. 1676	Agreement between the United States of America and the United Nations relative to headquarters of the U. N. Signed at Lake Success June 26, 1947; brought into force Nov. 21, 1947, by an exchange of notes between the United States representative to the United Nations and the Secretary-General of the United Nations. (The provisions of this agreement were also made Public Law 357 of the 80th Cong. approved Aug. 4, 1947.)
1938	E. A. S. 142	Radio communications between Alaska and British Colombia. Agreement between the U. S. A. and Canada effected by exchange of notes, June, July, August, September, October, November, December, 1938.			
1938	T. S. 949	Regional Radio convention between the U. S. A. (in behalf of the Canal Zone) and other powers. Signed at Guatemala City, Dec. 8, 1938.			

NOTE: The following abbreviations are used in the column headed "Series":  
T. S.—Treaty Series.

E. A. S.—Executive Agreement Series.  
T. I. A. S.—Treaties and Other International Act Series.

2. In addition, it must be borne in mind that the U. S. is bound in many instances by other treaties and agreements which are generally considered as superseded. This is due

to the fact that certain of the contracting countries other than the U. S. did not become a party to subsequent treaties and agreements, thereby binding us to the original

document with respect to our relations with these particular countries. These include the following:

Date	Series	Title	Date	Series	Title
1912	T. S. 581	International Radiotelegraph Convention, final Protocol and Service Regulations. Signed at London, July 5, 1912.	1937	E. A. S. 200	Inter-American Arrangement concerning radiocommunications and annex. Signed at Havana Dec. 13, 1937. This arrangement was replaced by Inter-American Agreement concerning Radiocommunications signed at Santiago Jan. 23, 1949, E. A. S. 231. Countries which approved the 1937 arrangement but which have not yet approved the 1949 arrangement are Dominican Republic, Haiti, Mexico, Panama, and Peru.
1927	T. S. 767	International Radiotelegraph Convention and General Regulations. Signed at Washington Nov. 25, 1927.			
1932	T. S. 867	General Radio Regulations annexed to the International Telecommunications Convention. Signed at Madrid Dec. 9, 1932.			

[F. R. Doc. 48-5453; Filed, June 22, 1948; 8:49 a. m.]

#### [47 CFR, Part 61]

#### GENERAL AND DOMESTIC PUBLIC MOBILE SERVICES

##### NOTICE OF PROPOSED RULE-MAKING

In the matter of general mobile radio services, Docket No. 8658.

In the matter of proposed rules and regulations governing domestic public mobile radiotelephone services, Docket No. 9046.

1. Notice is hereby given of proposed rule-making in the above entitled matters.

2. The Commission has heretofore issued a notice of proposed rule-making "In the matter of allocation of frequencies between 44 and 50 Mc, and between 152 and 162 Mc" (Docket No. 8972) wherein there are proposed certain frequency allocations to the land mobile radiotelephone service designated as "public radio."

3. In implementation of the aforesaid proposed allocation, and in consideration of the record in the proceedings in Docket No. 8658, it appears appropriate to issue this proposed sub-allocation and statement of rules and regulations to govern the use of the frequencies so designated for "public radio."

4. The proposed rules, regulations and sub-allocation in Annex 1 hereto are issued under authority of section 303 (a) (b) (c) (d) (e) (f), (h) and (r) of the Communications Act of 1934, as amended, and are based upon the statements set forth in Annex 2 hereof and the record herein.

5. Any interested party who is of the opinion that the proposed rules should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before July 12, 1948, a written statement or brief setting forth his comments. At the same time, persons favoring the rules as proposed may file statements in support thereof. The Commission will consider all comments that are received before taking final action in the matter, and if any comments are received which appear to warrant the Commission in holding a hearing or oral argument before final action is taken, notice of the time and place of such hearing or oral argument will be given interested parties.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of

all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: June 11, 1948.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] T. J. SLOWIE,  
Secretary.

#### ANNEX 1

##### BASIS AND PURPOSE

The following rules are issued pursuant to the powers vested in the Commission by virtue of Title III of the Communications Act of 1934, as amended, which provides that the Commission shall have authority to regulate radio transmission and issue authorizations for radio stations. These rules have been designed to provide domestic public mobile radiotelephone services for persons engaged in providing common carrier communications facilities.

#### PART 6—DOMESTIC PUBLIC MOBILE RADIOTELEPHONE SERVICES

##### DEFINITIONS

- Sec.  
6.101 Domestic public land mobile radiotelephone service.  
6.102 Telecommunication.  
6.103 Radiocommunication.  
6.104 General communication.  
6.105 Dispatching communication.  
6.106 Signalling communication.  
6.107 Radio station.  
6.108 Mobile station.  
6.109 Land mobile station.  
6.110 Land station.  
6.111 Base station.  
6.112 Auxiliary test station.  
6.113 Mobile service.  
6.114 Land mobile service.  
6.115 Radio system.

##### DOMESTIC PUBLIC LAND MOBILE RADIOTELEPHONE SERVICE

- 6.201 Eligibility.  
6.202 General restrictions: eligibility for station license.  
6.203 General restrictions: transfer and assignment of station authorization.  
6.204 Permissible communications.  
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##### APPLICATIONS AND LICENSES

- 6.301 Station authorization required.  
6.302 Procedure for obtaining a radio station license.  
6.303 Applications to be on prescribed forms.  
6.304 Full disclosure.  
6.305 Subscription and verification of applications.  
6.306 Place of filing and number of copies.  
6.307 Application for construction permits for base and auxiliary test stations.

- Sec.  
6.303 Applications for construction permits for mobile stations.  
6.303 Applications for modification of construction permits.  
6.310 Period of construction.  
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6.313 Application for station license.  
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6.316 License period.  
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6.321 Form of amendments.  
6.322 Amendments requested.  
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##### TECHNICAL REGULATIONS

- 6.401 Allocation of frequencies.  
6.402 Emission.  
6.403 Modulation requirements.  
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6.405 Power.  
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##### OPERATING REGULATIONS

- 6.501 Operator requirements.  
6.502 Posting of operator license.  
6.503 Transmitter identification card and posting of station license.  
6.504 Inspection of stations.  
6.505 Inspection of tower lights and associated control equipment.  
6.506 Answers to notices of violations.  
6.507 Content of station records.  
6.508 Form of station records.  
6.509 Station records, by whom kept.  
6.510 Correction of station records.  
6.511 Retention period of station records.  
6.512 Operation during an emergency.  
6.513 Suspension of transmissions required.  
6.514 Installation of mobile units in private vehicles.  
6.515 Authorization for tests not to be construed as license.  
6.516 Equipment, service, and maintenance tests.  
6.517 Station identification.

##### MISCELLANEOUS

- 6.601 Tariffs, reports, and other material required to be submitted to the Commission.  
6.602 Discontinuance, reduction or impairment of service.



## PROPOSED RULE MAKING

## DEFINITIONS

§ 6.101 *Domestic public land mobile radiotelephone service.* A public communication service for hire, between land mobile and base radiotelephone stations and, under special authorization, between ship and base radiotelephone stations.<sup>1</sup>

§ 6.102 *Telecommunication.* Any transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, visual or other electromagnetic systems.

§ 6.103 *Radiocommunication.* Any telecommunication by means of Hertzian waves.

§ 6.104 *General communication.* A two-way communication, through a base station, between a mobile station and a land telephone station connected to a public land line telephone system, or between two mobile stations.

§ 6.105 *Dispatching communication.* A communication of specialized character for the purpose of exchanging brief communications of no longer than one minute's duration.

(a) Directly between private line telephone land stations and mobile units.

(b) Indirectly between land line telephone stations and mobile stations by means of the oral relay of messages through the base station.

§ 6.106 *Signalling communication.* A one-way communication from a land station to a mobile station for the purpose of actuating a signalling device in the associated vehicle.

§ 6.107 *Radio station.* A separate transmitter or a combination of transmitters and receivers including the accessory equipment required for carrying on a definite radiocommunication service.

§ 6.108 *Mobile station.* A station in a mobile service intended to be used while in motion or during halts at unspecified points.

§ 6.109 *Land mobile station.* A mobile station in the land mobile service capable of surface movement within the geographical limits of a country or continent.

§ 6.110 *Land station.* A station in the mobile service not intended for operation while in motion.

§ 6.111 *Base station.* A land station in the land mobile service, carrying on a service with land mobile stations.

§ 6.112 *Auxiliary test station.* A land station used for test transmissions only, operating on mobile station frequencies, from a specified fixed location, for the purpose of determining the performance of receiving equipment which is remotely located from the base station with which it is associated.

§ 6.113 *Mobile service.* A service of radiocommunication between mobile and land stations or between mobile stations.

<sup>1</sup> No provision is made, at this time, for inclusion of aircraft in this service because it is not feasible to provide service to such craft until such time as separate frequencies, not used by land vehicles, may be assigned to their exclusive use.

§ 6.114 *Land mobile service.* A mobile service between base stations and land mobile stations, or between land mobile stations.

§ 6.115 *Radio system.* The term "radio system" or "radio communication system" means an integrated aggregation of radio stations capable of carrying on a radiocommunication service.

DOMESTIC PUBLIC LAND MOBILE  
RADIOTELEPHONE SERVICE

§ 6.201 *Eligibility.* Authorization for stations to be operated in this service will be issued to existing and proposed communication common carriers. Applications will be granted only in cases where it is shown that (a) the applicant is legally, financially and technically qualified to render the proposed service, (b) there are frequencies available to enable the applicant to render a satisfactory service and (c) the public interest, convenience or necessity would be served by a grant thereof.

§ 6.202 *General restrictions; eligibility for station license.* A station license shall not be granted to or held by:

(a) Any alien or the representative of any alien;

(b) Any foreign government or the representative thereof;

(c) Any corporation organized under the laws of any foreign government;

(d) Any corporation of which any officer or director is an alien;

(e) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by Aliens or their representatives; a foreign government or representative thereof; or any corporation organized under the laws of a foreign country;

(f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by Aliens or their representatives; a foreign government or representatives thereof; or any corporation organized under the laws of a foreign government; if the Commission finds that the public interest will be served by the refusal or revocation of such license.

§ 6.203 *General restrictions: transfer and assignment of station authorization.* A radio station construction permit, license, or other station authorization; the frequencies authorized to be used by the grantee of such authorization; or the rights therein granted by such authorization shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of to any person, either directly or indirectly by transfer of control of any corporation holding such license, unless the Commission shall, after securing full information, decide that said transfer is in the public interest, and shall give its consent in writing. Requests for authority of the type referred to in this section

shall be obtained in the manner prescribed by § 6.319.

§ 6.204 *Permissible communications.* Stations in this service are authorized to exchange general communications, dispatch communications, and signalling communications.

§ 6.205 *Points of communication.* (a) Mobile stations in this service are authorized to communicate with and through base stations only.

(b) Base stations in this service are authorized to communicate with land mobile stations in the same service, and, upon special authorization from the Commission, with ship stations. Such special authorization may be granted upon a showing that the rendition of such service to ship stations will not degrade service to the land vehicles receiving or requiring service in the area, and that such service to ship stations is necessary and desirable.

## APPLICATIONS AND LICENSES

§ 6.301 *Station authorization required.* No radio station shall be operated in the domestic public land mobile radiotelephone service except under, and in accordance with, an authorization granted by the Federal Communications Commission.

§ 6.302 *Procedure for obtaining a radio station license.* The first step toward obtaining a station license is the filing of an application for a construction permit in accordance with §§ 6.101 to 6.602. After the construction is completed, the station may be tested in accordance with § 6.516 and an application for license filed in accordance with § 6.313.

§ 6.303 *Applications to be on prescribed forms.* Applications for instruments of authorization shall be submitted on standard forms prescribed and furnished by the Commission. The appropriate application form for the particular instrument of authorization desired is set forth in the section of the rules pertaining to the type of authorization requested. The appropriate form or forms may be obtained from the Washington, D. C., office of the Commission or from any of its field offices.

§ 6.304 *Full disclosure.* Each application for a station authorization shall contain full and complete disclosures with regard to the real party or parties in interest and as to all matters required to be disclosed.

§ 6.305 *Subscription and verification of applications.* One copy of each application for an authorization shall be signed under oath or affirmation by the applicant, if the applicant be an individual; by any one of the partners, if an applicant be a partnership; by an officer, if the applicant be a corporation; or by a member who is an officer, if the applicant be an unincorporated association: *Provided, however,* That applications may be signed by the attorney for an applicant (a) in case of physical disability of the applicant, or (b) his absence from the continental United States. If it be signed by a person other than the applicant, he must set forth

in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not signed by the applicant. Where more than one copy of an application is required to be filed with the Commission, only the original need be signed and verified; the copies may be conformed.

§ 6.306 *Place of filing and number of copies.* Each application for authorization for stations in the domestic public land mobile radiotelephone service shall be filed in duplicate with the Federal Communications Commission, Washington 25, D. C.

§ 6.307 *Application for construction permits for base and auxiliary test station.* A separate application for a construction permit shall be submitted in duplicate on FCC Form 401 for each base station and auxiliary test station.

§ 6.308 *Applications for construction permits for mobile stations.* A single application on FCC Form 401 in duplicate shall be submitted for a construction permit for any number of mobile units. Normally, only one instrument of authorization will be issued to cover all the mobile units which are associated with a base station or an integrated system of base stations in the domestic public land mobile radiotelephone service.

§ 6.309 *Applications for modification of construction permits.* Separate applications for modification of construction permits shall be submitted in duplicate on FCC Form 401 for each base station, auxiliary test station, or group of mobile stations in the domestic public land mobile radiotelephone service.

§ 6.310 *Period of construction.* Each construction permit for a radio station in these services will specify the date of grant as the earliest date of commencement of construction and a maximum of eight months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 6.311 *Application for extension of expiration date of construction permit.* (a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein, or within such further time as the Commission may have allowed for completion.

(b) Application for extension of time within which to complete construction of a station shall be filed on FCC Form No. 701 at least 30 days prior to the expiration date of such permit, if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases, such application will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

§ 6.312 *Installation or removal of transmitting apparatus.* Applications involving removal of existing transmitting apparatus or installation of new transmitting apparatus shall be filed prior to the contemplated removal or installation. Such contemplated changes shall not be made without approval from the Commission.

§ 6.313 *Application for station license.* Upon completion of construction or installation of a station in exact accordance with the terms and conditions set forth in the construction permit, an application for station license may be filed on FCC Form 403.

§ 6.314 *Renewal of station license.* Unless otherwise directed by the Commission, each application for renewal of license shall be submitted on FCC Form 405 not less than 60 days prior to the expiration date of the license sought to be renewed.

§ 6.315 *Application for modification of station license.* An application for modification of any station license in these services may be filed at any time during the term of that license. If the Commission approves the modification, a superseding license will be issued for the balance of the term of such license, retaining the same date of expiration as contained in the superseded license. Application for modification of a station license shall be made on FCC Form No. 403 and shall be submitted in duplicate not less than 60 days prior to the date contemplated for such modification.

§ 6.316 *License period.* Licenses for stations operating in the domestic public land mobile radiotelephone service will be issued for a period of 2 years, unless otherwise stated in the instrument of authorization. The date of expiration of such licenses shall be the 1st day of May. Unless otherwise ordered, when an application for a new station license is granted within three months prior to the expiration date for licenses in these services, the license shall be issued for the unexpired period of the current license term and for the full succeeding term. If granted after the normal expiration date, the license will be issued for the unexpired period of the current license term only.

§ 6.317 *Developmental authorizations.* Developmental authorizations may be issued for stations to be used in the conduct of research closely associated with these services. Such authorizations will be issued for a period not to exceed three months, upon a showing that the applicant has pursued the program of research and development in his own laboratory to a stage where actual transmission by radio is essential to further progress in the program of research set forth in the application for station authorization. Developmental authorizations will not be issued unless the program of research has reasonable promise of substantial contribution to these services within the period of such authorization, which shall be subject to cancellation by the Commission at any time, without hearing, upon notice to the licensee.

§ 6.318 *Antenna structures, supplementary information, when required.* If the maximum height of proposed antenna supporting structures to be associated with a station is over 150 feet above ground level, or is within three miles of a CAA designated landing area\* and will exceed an overall height of one foot for each 100 feet of distance, or fraction thereof, from the nearest boundary of the landing area, FCC Form No. 401a must be submitted in quadruplicate with the application for station construction permit. There shall be attached to each copy of the form a sketch showing the antenna and supporting structure as well as a map showing the location of the antenna, landing areas in the vicinity thereof, and all tall structures that may affect the marking of the antenna or supporting structure.

§ 6.319 *Application for consent to assignment of radio station construction permit or license.* Application on Form 702 shall be submitted to the Commission when the legal right to construct or to control the use and operation of a station is to be transferred as a result of a voluntary act (contract or other agreement) or an involuntary act (death or legal disability) of the grantee of a permit or station license, or by involuntary assignment of the physical property constituting the station under a court decree in bankruptcy proceedings, or other court order, or by operation of law in any other manner.

§ 6.320 *Amendments and dismissals of applications.* (a) Any application, prior to the time it is granted or designated for hearing, may be amended by the applicant without prejudice. After designation of an application for hearing, requests to amend or dismiss without prejudice will be considered only upon written motion properly served upon all parties of record.

(b) When leave to amend has been granted after an application has been designated for hearing, the application will not be removed from the hearing docket unless the Motions Commissioner shall determine that the proposed amendment substantially affects the issues upon which the application has been designated for hearing and orders that the application shall be removed from the hearing docket. An amended application which has been removed from the hearing docket will be reexamined by the Commission and, when necessary, will be redesignated for hearing at a subsequent time.

§ 6.321 *Form of amendments.* Any amendment to an application shall be signed under oath or affirmation and be submitted in the same number of copies as required for the original application.

\* "Landing area" means any locality, either of land or water, including airports and intermediate landing fields, which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

## PROPOSED RULE MAKING

§ 6.322 *Amendments requested.* The Commission may at any time request the applicant to amend an application so as to make it more definite and complete or may require an applicant to submit such documents and written statements of fact, under oath, as in its judgment may be necessary.

§ 6.323 *Defective applications.* (a) Applications which are defective with respect to completeness of answers to required questions, execution, or other matters of a purely formal character will not be received for filing by the Commission unless the Commission shall otherwise direct, and will be returned to the applicant with a brief statement as to the omissions.

(b) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, failure to comply with such request will constitute a defect in the application and will render such application subject to dismissal.

(c) Applications which are not in accordance with the Commission's rules, regulations, or other requirements will be considered defective unless accompanied either (1) by a petition to amend any rule or regulation with which the application is in conflict, or (2) by a request of the applicant for waiver of, or an exception to, any rule, regulation, or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and shall set forth the reasons in support thereof.

§ 6.324 *Failure to prosecute applications.* An applicant not desiring to prosecute his application may request the dismissal of same without prejudice. A request of an applicant for the return of an application which has been accepted for filing will be considered as a request to dismiss the same without prejudice. Where an applicant fails to respond to official correspondence or request for additional material, the application will be dismissed without prejudice.

§ 6.325 *Partial grants.* Where any application is granted in part, or with any privileges, terms, or conditions other than those requested, without a hearing thereon, such action of the Commission shall be considered acceptable and final unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date, whichever is later, file with the Commission a written request for a hearing with respect to the part, privileges, terms or conditions not granted. Upon receipt of such request, the Commission may vacate its original action upon the application and designate the application for hearing.

§ 6.326 *Inconsistent or conflicting applications.* When an applicant has an application pending or undecided, no other inconsistent or conflicting application filed by the same applicant, his successor or assignee, or on behalf of or for the benefit of said applicant, will be considered by the Commission.

## TECHNICAL REGULATIONS

§ 6.401 *Allocation of frequencies.* The following frequencies are allocated to the domestic public land mobile radiotelephone service:

(a) The following frequencies are designated for assignment to stations engaged in handling general despatch and signalling communications (as defined in §§ 6.104, 6.105 (a) and 6.106)

Base station frequencies	Mobile station and auxiliary test station frequencies
35.22 Mc	43.22 Mc
35.26 Mc <sup>1</sup>	43.26 Mc <sup>1</sup>
35.30 Mc <sup>1</sup>	43.30 Mc <sup>1</sup>
35.34 Mc <sup>1</sup>	43.34 Mc <sup>1</sup>
35.38 Mc <sup>1</sup>	43.38 Mc <sup>1</sup>
35.42 Mc <sup>1</sup>	43.42 Mc <sup>1</sup>
35.46 Mc	43.46 Mc
35.50 Mc	43.50 Mc
35.54 Mc <sup>1</sup>	43.54 Mc <sup>1</sup>
35.58 Mc	43.58 Mc
35.62 Mc	43.62 Mc
35.66 Mc	43.66 Mc <sup>1</sup>
152.63 Mc <sup>2</sup>	157.89 Mc <sup>2</sup>
152.69 Mc	157.95 Mc

(b) The following frequencies are designated for assignment to stations engaged in handling dispatch and signalling communications (as defined in §§ 6.105 (b) and 6.106)

Base station frequencies	Mobile station and auxiliary test station frequencies
152.03 Mc <sup>2</sup>	157.29 Mc <sup>2</sup>
152.09 Mc	157.35 Mc
152.39 Mc <sup>2</sup>	157.65 Mc <sup>2</sup>
152.45 Mc	157.71 Mc

(c) The following frequencies are designated for assignment to stations in the domestic public land mobile radiotelephone service upon a showing that the frequencies assigned to such stations from those designated in paragraphs (a) and (b) of this section are inadequate to meet the needs of the public for the type of service proposed or rendered:

Base station frequencies	Mobile station and auxiliary test station frequencies
152.51 Mc <sup>2</sup>	157.77 Mc <sup>2</sup>
152.57 Mc	157.83 Mc

## ZONE ALLOCATION PLAN, 30—44 Mc BAND

Zone I. Base station frequency\* 35.66 Mc; Mobile station frequency\* 43.66 Mc.

Maine.	New Jersey.
New Hampshire.	Pennsylvania.
Vermont.	Delaware.
Connecticut.	Maryland.
Massachusetts.	District of Columbia.
Rhode Island.	Virginia.
New York.	West Virginia.

Zone II. Base station frequency\* 35.34 Mc; Mobile station frequency\* 43.34 Mc.

North Carolina.	Alabama.
South Carolina.	Mississippi.
Georgia.	Louisiana.
Florida.	

Zone III. Base station frequency\* 35.42 Mc; Mobile station frequency\* 43.42 Mc.

Tennessee.	Illinois.
Kentucky.	Wisconsin.
Ohio.	Michigan.
Indiana.	

Zone IV. Base station frequency\* 35.54 Mc; Mobile station frequency\* 43.54 Mc.

Minnesota.	Nebraska.
Iowa.	Montana.
North Dakota.	Wyoming.
South Dakota.	

Zone V. Base station frequency\* 35.30 Mc; Mobile station frequency\* 43.30 Mc.

Missouri.	Oklahoma.
Kansas.	Texas.
Arkansas.	

Zone VI. Base station frequency\* 35.38 Mc; Mobile station frequency\* 43.38 Mc.

Colorado.	Arizona.
New Mexico.	Nevada.
Utah.	California.

Zone VII. Base station frequency\* 35.28 Mc; Mobile station frequency\* 43.26 Mc.

Oregon.	Idaho.
Washington.	

§ 6.402 *Emission.* (a) In these services, stations may be authorized to use one or more of the following types of emission (1) for telephony, and (2) for operation of signalling, calling, and similar devices which function only as an adjunct to the establishment or maintenance of radiotelephone communications:

Type of modulation or emission	Type of transmission	Supplementary characteristics	Symbol
Amplitude modulated.....	Unmodulated carrier.....	.....	A0
Do.....	Telegraphy by the keying of a modulating audio frequency or frequencies.....	.....	A2
Do.....	Telephony.....	Double sideband, full carrier.....	A3
Do.....	.....	Single sideband, reduced carrier.....	A3a
Do.....	.....	Two independent sidebands, reduced carrier.....	A3b
Do.....	Composite transmissions.....	.....	A9
Do.....	.....	Reduced carrier.....	A9a
Frequency or phase modulated.....	Unmodulated carrier.....	.....	F0
Do.....	Telegraphy without the use of modulating audio frequency (frequency shift keying).....	.....	F1
Do.....	Telegraphy by the keying of a modulating audio frequency or audio frequencies.....	.....	F2
Do.....	Telephony.....	.....	F3
Do.....	Composite transmissions.....	.....	F9

<sup>1</sup> Pending the general availability of equipment capable of adjacent channel operation in the same geographical area, only these frequencies will be assigned in accordance with the Zone Allocation Plan in this section.

<sup>2</sup> Pending the general availability of equipment capable of adjacent channel operation in the same geographical area, only these frequencies will be assigned.

(b) Where frequency modulation or phase modulation is used, all radiation more than 15 kc removed from the carrier frequency shall be attenuated at least 70 db below the level of the unmodulated carrier. All measurements are to be made by the "Lossy Line Method" at the rated transmitter load impedance.

(c) Where amplitude modulation is used, any radiation more than 5 kc removed from the carrier frequency shall be attenuated at least 70 db below the level of the unmodulated carrier.

(d) When emission outside the authorized band results in interference, the Commission may in its discretion require appropriate technical changes in equipment to alleviate the interference.

**§ 6.403 Modulation requirements.** (a) When amplitude modulation is used, the modulation level shall be sufficient to provide efficient communication, but shall not exceed 100% on negative peaks.

(b) When frequency modulation is used, the carrier shall be modulated to a sufficiently high degree to provide effective communication, but in no case shall modulation result in objectionable emission outside the authorized communication band.

(c) Each transmitter installation authorized after July 1, 1950, shall be provided with a device which shall automatically prevent modulation in excess of that specified in paragraphs (a) and (b) of this section which may be caused by greater than normal audio level.

**§ 6.404 Frequency stability.** The carrier frequency of stations in this service shall be maintained within the following percentage of the assigned frequency:

(a) Transmitters now in use and those to be installed before July 1, 1950, shall maintain a frequency stability of 0.01% until January 1, 1953.

(b) Transmitters installed from July 1, 1950, and all transmitters in service on July 1, 1953, and thereafter shall maintain a frequency stability as follows:

Frequency range:	Frequency tolerance
Below 50 Mc.....	0.01
50 Mc. to 500 Mc.....	0.005
Above 500 Mc.....	To be specified in authorization.

**§ 6.405 Power.** (a) The operating power of all stations in the domestic public land mobile radiotelephone service shall be maintained within the following tolerance of the authorized or licensed power:

(1) When the maximum power only is specified, the operating power shall not be greater than necessary to carry on the service and in no event more than 5 percent above the maximum specified;

(2) When an exact power is specified, the operating power shall be at all times within the limits of 90 percent to 105 percent of the power specified.

(b) The power which may be used by a station in this service shall be no more than the minimum required for satisfactory technical operation commensurate with the size of the area to be served and local conditions which affect radio transmission and reception. The field intensity in a given geographical area may be specified for a station by the Commission.

(c) Plate input power to the final radio stage in excess of that shown below will not be authorized unless the applicant submits a map showing the area to be covered and, in addition, results of field intensity measurements in the area involved, or other comparable engineering data acceptable to the Commission,

which clearly show the need for higher power.

Frequency:	Maximum plate power input to the final radio stage (watts)
30-100 Mc.....	500
Above 100 Mc.....	600

(d) In the case of mobile stations and auxiliary test stations, the plate input power to the final radio stage shall not be authorized in excess of 150 watts.

**§ 6.406 Transmitter control requirements.** (a) Each transmitter shall be so installed and protected that it is not accessible to or capable of operation by any persons other than those duly authorized by the licensee.

(b) In this service each station at a fixed location shall be provided with at least one control point, and may be provided with any number of dispatch points or none at all. As used in this section, a control point is any transmitter operating position which meets all of the following requirements:

(1) The operating position must be under the control and supervision of the licensee;

(2) It is a position at which the monitoring facilities required by this section are installed;

(3) It is a point at which a licensed operator responsible for the operation of the transmitter is stationed.

(c) As used in this section, a dispatch point means any operating position that does not comply with all of the above requirements. Prior authority from the Commission is required for the installation of a control point. Dispatch points may be installed without authorization from the Commission. Means shall be provided whereby each dispatch point is placed under the operational supervision of one or more control points. Contact with the mobile units shall be initially established only by the licensed operator at the control point.

(d) When the operating position and the transmitter are not housed in the same building, the control circuits are to be so installed that grounding either side of the circuit or a short across the circuit will not cause the transmitter to radiate.

(e) At each control point for a station at a fixed location, the following facilities shall be installed:

(1) A carrier operated device which will provide continuous visual indication when the transmitter is radiating; or, in lieu thereof, a device which will provide continuous visual indication when the transmitter control circuits have been placed in a condition to produce radiation.

(2) Equipment to permit the operator to monitor aurally all transmissions originating at dispatch points under his supervision.

(3) Facilities which will permit the operator either to disconnect the dispatch point circuits from the transmitter or to render the transmitter inoperative from any dispatch point under his supervision.

(4) Facilities which will permit the operator to turn the transmitter carrier on and off at will.

#### **§ 6.407 Transmitter measurements.**

(a) The licensee of each station shall employ a suitable procedure to determine that the assigned frequency of each transmitter is maintained within the tolerance prescribed in this part. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may affect the operating frequency or the stability thereof;

(3) At intervals not to exceed six months, for transmitters employing crystal-controlled oscillators;

(4) At intervals not to exceed one month, for transmitters not employing crystal-controlled oscillators.

(5) At any time the licensee may have reason to believe the frequency has shifted beyond the limits specified in the instrument of authorization.

(b) The licensee of each station shall employ a suitable procedure to determine that the plate power input to the final radio stage of each land station transmitter does not exceed the maximum figure specified on the current instrument of authorization. Where the transmitter is so constructed that a direct measurement of plate current in the final radio stage is not practicable, the plate input power may be determined from a measurement of the cathode current in the final radio stage. When the plate input to the final radio stage is determined from a measurement of the cathode current, the required record entry shall clearly indicate the quantities that were measured, the measured values thereof, and the method of determining the plate power input from the measured values. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may increase the transmitter power output;

(3) At intervals not to exceed six months.

(c) The licensee of each station shall employ a suitable procedure to determine that the carrier modulation does not exceed the limits specified in these rules. This determination shall be made and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may affect the modulation of the carrier;

(3) At intervals not to exceed six months.

(d) The determinations required by paragraphs (a) (b), and (c) of this section may, at the option of the licensee, be made by any qualified engineer measurement service, in which case, the required record entries shall show the name and address of the engineering measurement service as well as the name of the person making the measurements.

(e) In the case of transmitters in mobile units, the determinations required

by paragraphs (a) and (c) of this section may be made at a test or service bench in lieu of in the mobile unit itself; provided the measurements are made under load conditions equivalent to actual operating conditions, and provided further, that after installation in the mobile unit, the transmitter is given a routine check to determine that its emissions are capable of being satisfactorily received by an appropriate receiver.

§ 6.408 *Assignment of frequencies.* All applicants for, and licensees of, stations in this service are required to cooperate in the selection and use of the designated frequencies, to minimize interference and to make the most effective use of the frequencies assigned. Each frequency available for use by stations in those services will normally be assigned exclusively to a single applicant in any service area. The use of any frequency may be restricted to one or more specified geographical areas.

§ 6.409 *Changes in equipment.* The licensee of a station in this service may replace equipment without authorization from the Commission provided that the replacement equipment is identical to that specified in the current instrument of authorization. Requests for authority to make other changes in equipment shall be submitted to the Commission in compliance with §§ 6.301 to 6.326. No changes for which authorization is required shall be made without prior approval from the Commission.

§ 6.410 *Changes in antenna.* (a) Changes may be made in the antenna or antenna supporting structure of any station in the domestic public land mobile radiotelephone service, except as provided in paragraph (b) of this section, without specific authorization from the Commission, provided that a description of these changes is incorporated in the next application for renewal or modification of the applicable station license.

(b) No changes in the antenna or antenna supporting structure for stations in this service may be made without specific authorization from the Commission if (1) such changes will make the antenna or structure higher than 150 feet above ground level; (2) the antenna is within 3 miles of a CAA designated landing area and will exceed an overall height of one foot for each 100 feet of distance, or fraction thereof, from the nearest boundary of the landing area; or (3) the antenna or antenna structure is presently required to be painted or lighted in accordance with Federal Communications Commission or Civil Aeronautics Administration specifications. Requests for changes outlined in this paragraph shall be submitted to the Commission on FCC Form No. 401a in quadruplicate. The FCC Form 401a shall be accompanied by maps and sketches showing the proposed change in the antenna or antenna supporting structure. The original copy of FCC Form 401a must be signed in accordance with § 6.305.

#### OPERATING REGULATIONS

§ 6.501 *Operator requirements.* (a) All transmitter adjustments or tests dur-

ing or coincident with the installation, servicing, or maintenance of a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph, and such person shall be responsible for the proper functioning of the station equipment.

(b) Each transmitter shall be operated in the manner prescribed in this paragraph, except for such operation as may come within the provisions of paragraph (a) of this section.

(1) Mobile stations may be operated by unlicensed persons authorized to do so by the station licensee.

(2) Base stations and auxiliary test stations shall be operated by persons holding any class of commercial radio operator license or permit issued by the Commission.

(3) Notwithstanding any other provision of this paragraph, a station located on any ship; or being operated from any location outside the continental United States, its territories, or possessions; or in communication with any station located outside the limits of the continental United States, its territories, or possessions; or in communication with a station licensed by any government other than the United States Government shall be operated by a person holding the proper class of commercial operator license issued by the Commission.

(4) The provisions of this paragraph authorizing certain unlicensed persons to operate mobile stations shall not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain control over the stations licensed to them (including all transmitter units thereof) or for the proper functioning and operation of those stations (including all transmitter units thereof) in accordance with the terms of the licenses of those stations.

(5) Notwithstanding any other provisions of this paragraph, unless the transmitter is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, such transmitter shall be operated by a person holding a first or second class commercial radio operator license (either radiotelephone or radiotelegraph as may be appropriate for the type of emission being used) issued by the Commission.

(c) Any reference in this section to a commercial radio operator license or permit issued by the Commission shall not be construed to include Aircraft Radiotelephone Operator Authorizations.

§ 6.502 *Posting of operator license.* The original license of each base or auxiliary test station operator shall be posted or kept immediately available where he is on duty as operator: *Provided, however* That if the operator on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from the diploma form) or uses as his operating authority a license verification card (FCC Form 758-F) he

shall keep such authorization in his personal possession.

§ 6.503 *Transmitter identification card and posting of station license.* (a) The current authorization for each mobile station shall be retained as a permanent part of the station record, but need not be posted. An executed Transmitter Identification Card (FCC Form No. 452-C, Revised) shall be affixed to each mobile transmitter or associated control equipment. When the transmitter is not in view of and readily accessible to the operator, it is preferred that the identification card be affixed to the control equipment at the transmitter operating position. The following information shall be entered on the card by the permittee or licensee:

(1) Name of permittee or licensee;  
(2) Station call signal assigned by the Commission;  
(3) Exact location or locations of the transmitter records;

(4) Frequency or frequencies on which the transmitter to which attached is authorized to operate; and

(5) Signature of the permittee or licensee, or a designated official thereof.

(b) The current authorization for each base or auxiliary test station shall be posted at the principal control position of that station. At all other control points listed on the station authorization, a photocopy of the authorization shall be posted. In addition, an executed Transmitter Identification Card (FCC Form No. 452-C, Revised) shall be affixed to each transmitter operated at a fixed location, when such transmitter is not in view of, and readily accessible to, the operator at the principal control position.

§ 6.504 *Inspection of stations.* All stations and records of stations in this service shall be made available for inspection at any time while the station is in operation or shall be made available for inspection upon reasonable request of an authorized representative of the Commission.

§ 6.505 *Inspection of tower lights and associated control equipment.* The licensee of any station in this service which has an antenna or antenna supporting structure required to be illuminated by the terms of the station authorization:

(a) Shall make a daily check of the tower lights either by visual observation of the tower lights or by observation of an automatic indicator of proper or improper operation to insure that all such lights are functioning properly;

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of Civil Aeronautics Administration any observed failure of a code or rotating beacon light not corrected within thirty minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination; and

(c) Shall inspect at intervals of at least once each three months all code or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly.



§ 6.506 *Answers to notices of violations.* Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, Executive order, treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgment made within such 3-day period, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to some violation that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, are taken to prevent future violations, and if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given or if a file number has not been assigned by the Commission, such identification as will permit ready reference. If the notice of violation relates to incompetent maintenance resulting in improper operation of the transmitter, the name and license number of the operator performing the maintenance shall be given. If the notice of violation relates to some lack of attention to or improper operation of the transmitter by other employees, the reply shall set forth the steps taken to prevent a recurrence of such lack of attention or improper operation.

§ 6.507 *Content of station records.* Each licensee of a station in this service shall maintain records showing:

(a) For all stations, the results and dates of the transmitter measurements required by § 6.407, and the name of the person or persons making the measurements.

(b) For all stations, where service or maintenance duties are performed which may affect their proper operation, the responsible operator shall sign and date an entry in the station record concerned, giving:

(1) Pertinent details of all duties performed by him or under his supervision;

(2) His name and address; and

(3) The class, serial number, and expiration date of his license: *Provided*, That the information called for under subparagraphs (2) and (3) of this paragraph, so long as it remains unchanged, is not required to be repeated in the case of a person who is regularly employed as operator on a full-time basis at the station.

(c) For base stations and auxiliary test stations only, the name or names of persons responsible for the operation of the transmitting equipment each day, together with the period of their duty.

(d) For base stations and auxiliary test stations:

(1) Frequencies used;

(2) Nature of such communications; and

(3) Date, time, and approximate duration of each transmission.

(e) When a base station or auxiliary test station has an antenna or antenna supporting structure which is required to be illuminated, appropriate entries shall be made as follows:

(1) The time the tower lights are turned on and off each day if manually controlled.

(2) The time the daily check of proper operation of the tower lights were made, either by visual observation of the tower lights or by observation of an automatic indicator.

(3) In the event of any observed failure of a tower light:

(i) Nature of such failure.

(ii) Date and time the failure was observed.

(iii) Date, time and nature of the adjustments, repairs, or replacements made.

(iv) Identification of airways communication station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the airways communication station (Civil Aeronautics Administration) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required by § 6.505:

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, together with the socket voltages measured under load at the sockets or computed from measurements under load at other points.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements or repairs were made.

(f) All stations except mobile stations licensed in the domestic public land, mobile radiotelephone service shall keep a file of all record communications handled and all base stations so licensed shall keep a record of radiotelephone contacts either in the form of telephone traffic tickets or as a separate list. All such records shall be retained as provided in Part 42 of this chapter.

§ 6.508 *Form of station records.* The records shall be kept in an orderly manner, and in such detail that the data required are readily available. Key letters or abbreviations may be used if proper meaning or explanation is set forth in the record.

§ 6.509 *Station records, by whom kept.* Each entry in the records of each station shall be signed by a person qualified to do so, having actual knowledge of the facts to be recorded.

§ 6.510 *Correction of station records.* No record or portion thereof shall be erased, obliterated, or willfully destroyed within the required retention period. Any necessary correction may be made only by the persons originating the entry who shall strike out the erroneous

portion, initial the correction made and indicate the date of correction.

§ 6.511 *Retention period of station records.* The records required by this part shall be retained for a period of at least one year: *Provided*, That

(a) Records involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge, shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them.

(b) Records incident to or involved in any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 6.512 *Operation during an emergency.* The licensee of any station in this service may, during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service by communicating in a manner other than that specified in the station license: *Provided* (a) That as soon as possible after the beginning of such emergency use, notice be sent to the Engineer-in-Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put, and (b) That the emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available and the Engineer-in-Charge is notified immediately when such special use of the station is terminated. The Commission may at any time order the discontinuance of such service.

§ 6.513 *Suspension of transmissions required.* The radiations of the transmitter shall be suspended immediately upon detection or notification of a deviation from the technical requirements of the station authorization until such deviation is corrected, except for transmissions concerning the immediate safety of life or property, in which case the transmissions shall be suspended as soon as the emergency is terminated.

§ 6.514 *Installation of mobile units in private vehicles.* A mobile radio station, or transmitter unit thereof, licensed in these services, may not be installed or maintained in a vehicle or vessel unless the operation of such transmitter is at all times under the control of the licensee.

§ 6.515 *Authorization for tests not to be construed as license.* The authorization for equipment and service tests as embodied in § 6.516 shall not be construed as constituting a license to operate, but as a necessary part of the construction.

§ 6.516 *Equipment, service, and maintenance tests.* Equipment and service tests may be conducted as prescribed be-

## PROPOSED RULE MAKING

low, provided that the necessary precautions are taken to avoid interference to any other authorized service.

(a) *Equipment test.* Upon completion of construction of a radio station in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations governing the class of station concerned and, prior to filing of application for license, the permittee may test the equipment for a period not to exceed 10 days: *Provided*, That the Commission's Engineer-in-Charge of the district in which the station is located is notified two days in advance of the beginning of tests and the permittee is not notified by the Commission to cancel, suspend, or change the date for the period of such tests.

(b) *Service test.* When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations governing the class of station concerned, and after application for station license has been filed with the Commission showing the transmitter and associated equipment to be in satisfactory operating condition, the permittee may conduct service tests in exact accordance with the terms of the construction permit for a period not to exceed 30 days: *Provided*, That the Commission's Engineer-in-Charge of the district in which the station is located is notified 2 days in advance of the beginning of such tests and the permittee is not notified by the Commission to cancel, suspend, or change the date for the period of such tests. Service tests will not be authorized after the expiration date of the construction permit.

(c) *Maintenance tests.* The licensees of all stations in the domestic public land mobile radiotelephone service are authorized to make such routine tests as may be required for the proper maintenance of the station, provided that all necessary precautions are taken to avoid interference with other authorized services. The time taken for such tests shall be held to a minimum.

§ 6.517 *Station identification.* Each station in the domestic public land mobile radiotelephone service shall orally identify itself during each communication or exchange of a series of communications. In the event of a prolonged series of communications, a station must identify itself at least once every half hour. In lieu of the use of an official call sign, a station may identify itself as follows:

(a) A mobile station may identify itself by (1) the abbreviated name of the licensee followed by special mobile unit designation assigned by the licensee, or (2) its assigned telephone number; *Provided*, That adequate records are maintained by the licensee to permit ready identification of the mobile station.

(b) A station at a fixed location may identify itself by the name or abbreviated name of the licensee and the city in which the station is located.

Wherever it appears that the manner of identification used by a licensee in lieu of the official call sign is inadequate,

the Commission may require the licensee to change the method of station identification.

## MISCELLANEOUS

§ 6.601 *Tariffs, reports, and other material required to be submitted to the Commission.* Part 1 of this chapter, beginning with § 1.541, contains a summary of certain material and reports, including but not limited to schedules of charges and accounting and financial reports, which must be filed with or submitted to the Commission.

§ 6.602 *Discontinuance, reduction, or impairment of service.* Procedures relating to applications under section 214 of the Communications Act, for authority to discontinue, reduce, or impair service to a community or part of a community, are set out in Part 63 of this chapter.

## ANNEX 2

The Commission's notice of proposed rule-making "In the Matter of Allocation of Frequencies between 44 and 50 Mc, and between 152 and 162 Mc" (Docket No. 8972) set forth certain proposed allocations relating to the "Public Radio" service. The latter service is the service which is now described as the "experimental general mobile service" as afforded by communications common carriers.

It is deemed appropriate that the persons interested in these allocations and this service have an opportunity to consider simultaneously the general proposal set forth in Docket No. 8972 as well as the suballocation herewith proposed. Further, it is intended that such a suballocation, together with the proposed rules and regulations hereto attached, be dispositive of the issues considered in the proceedings in Docket No. 8658.

Certain important considerations should be noted in connection with the attached proposal:

1. No provision for public correspondence service to aircraft is herein provided because it has been determined, from an engineering standpoint, that it is not feasible to afford such service on the same frequencies as those on which service is afforded to land vehicles. Since the frequencies available at this time for public correspondence service are insufficient to take care of all the needs of that service, and since service to aircraft has not yet been instituted, it is deemed desirable to postpone the inauguration of the latter service until such time as it may be possible to set aside specific frequencies for exclusive aeronautical public correspondence use. In that connection, it is desired to call attention to the fact that certain frequency spectrum bands above 3500 Mc are available on an experimental basis and would seem to be the most desirable location for the development of such service and the industry is urged to work to that end.

2. Service to vessels has been generally prohibited. However, the proposed rules will permit the rendition of service to vessels upon a showing that such service may be rendered without degrading service to land vehicles in a specific area, and that such service is necessary and desirable in the area for which special

authorization is sought. This was done because the restriction of such service will tend, in some measure, to relieve the burden already cast upon the over-loaded land mobile service channels in use.

3. In view of the establishment of a zone assignment plan relating to the use of the frequencies allocated to this service in the 30-44 Mc range, it no longer appears necessary to differentiate between either frequency assignments or service areas insofar as the so-called "urban" and "highway" services are concerned. Accordingly, all the 30-44 Mc range frequencies have been lumped together with the available 152-162 Mc frequencies. Thus, based on present experience and equipments, on an alternate channel basis, it appears that any single zone would have available a pool of five pairs of usable frequencies. As improved equipment becomes available, the remaining frequencies allocated to the service will become usable.

4. In granting authorizations for the establishment of general mobile telephone systems in any service area, the Commission proposes to permit the rendition of service on an interference-free basis only, i. e., not more than one applicant will normally be authorized to operate on a given frequency or frequencies in any service area. In selecting the applicant to whom a grant is to be made for serving an area for which more than one application is filed, the Commission proposes to select that applicant who is best qualified to render the proposed service, provided frequencies are available as aforesaid, and provided the public interest, convenience or necessity would be served by a grant. Where a grantee is not the operator of a telephone land line system in connection with the public land line system of the nation, it is expected that such a physical connection and the necessary through-routes and charges, etc., will be established, as may be necessary.

5. In the suballocation of frequencies, as set forth in § 6.401 of the proposed rules, it will be noted that separate channels have been reserved for certain classes of service. One group of channels has been reserved for "General Communications" and direct "Dispatch Communications" i. e., dispatch via direct wire line inter-connection with the radio facilities, and another group of channels has been reserved for indirect "Dispatch Communications", i. e., where the dispatches are relayed via a third person interposed between the mobile unit and the subscriber. One of the five presently usable channels has been designated for assignment to either of the aforementioned classes of service, depending upon the needs in each service area. "Signalling Communications" would be permitted on any of these channels.

6. It is expected that all of the frequencies in the 152-162 Mc range assigned to this service may be used, on a secondary basis of non-interference to the primary service, for the short distance toll telephone and rural subscriber services, and it is intended, at a later date, to issue proposed rules relating to the use and operation of such services.



During the period preceding a final determination on the proposal in Docket No. 8972 and the issuance of final rules and regulations in the instant proceeding, the Commission will continue to grant authorizations in the general mobile service as heretofore. However, anyone seeking and obtaining such authorization is presumed to do so with full knowledge of the risk undertaken that he may not ultimately secure a regular license. Moreover, all persons operating under the experimental grants should take notice that, if the attached rules and regulations are adopted as final, many grantees will be required to give up their operations in cases where a selection will have to be made among applicants to determine who will be permitted to provide service on a permanent basis in a given area.

[F. R. Doc. 48-5452; Filed, June 22, 1948; 8:49 a. m.]

## 147 CFR, Part 101

[Docket No. 9001]

### PUBLIC SAFETY RADIO SERVICES

#### NOTICE OF PROPOSED RULE MAKING

In the matter of revision of Part 10—Emergency Radio Services to change the name of this part to "Public Safety Radio Services" and to make other changes and amendments.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The proposed revision of Part 10 of the Commission's rules and regulations is set forth below. This proceeding does not include rule-making with respect to frequency allocations set forth in the proposed revision except with respect to those frequencies within the bands 44-50, 72-76, 152-162 and 450-460 Mc, since such allocations have heretofore been adopted by the Commission in separate rule-making proceedings.

3. This revision is issued under the authority of sections 301 and 303 (e) (f) and (r) of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed rules (except with respect to the frequency allocations) should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission, on or before July 12, 1948, a written statement or brief setting forth his comments. The Commission will consider all comments, briefs, and statement presented before taking final action with respect to the proposed rules. If any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given interested parties.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of

all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: June 11, 1948.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

### PART 10—PUBLIC SAFETY RADIO SERVICES GENERAL

§ 10.1 *Statement of basis and purpose.* (a) The following rules and regulations are issued pursuant to the provisions of Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions and to issue licenses for radio stations.

(b) The regulations in this part are designed to provide a service of radio communication essential to either the discharge of governmental functions relating to the public safety or the alleviation of an emergency endangering life or property. This service is generally available to the several States, Territories, possessions, governmental subdivisions including counties, cities, towns, and similar entities and the District of Columbia. Other persons or organizations charged with specific duties relating to public safety may also obtain licenses under the terms of this part if such grant is found by the Commission to be in the public interest.

§ 10.2 *Definitions.*<sup>1</sup> For the purposes of this part, the following definitions shall be applicable:

(a) *Public safety radio services.* The term "public safety radio services" means any service of radiocommunication, essential to either the discharge of governmental functions relating to the public safety or to the alleviation of an emergency endangering life or property. The radio transmitting facilities of the public safety radio services are classified as fixed, base or mobile stations.

(b) *Police radio service.* The term "police radio service" means a public safety service of radiocommunication essential to official police activities.

(c) *Fire radio service.* The term "fire radio service" means a public safety service of radiocommunication essential to official fire activities.

(d) *Forestry-conservation radio service.* The term "forestry-conservation radio service" means a public safety service of radiocommunication essential to official forestry-conservation activities.

(e) *Highway maintenance radio service.* The term "highway maintenance radio service" means a public safety service of radiocommunication essential to official highway maintenance activities.

<sup>1</sup> Reference is made to section 3 of the Communications Act of 1934, as amended, for definitions of "Radiocommunication" etc., and to Article 1, sections 1, 2, and 3 of the General Radio Regulations (Cairo Revision, 1938), annexed to the International Telecommunication Convention for other definitions. (Those sections are contained in Appendix A of Part 2 of the Commission's rules and regulations.)

(f) *Special emergency radio service.* The term "special emergency radio service" means a public safety service of radiocommunication essential to the alleviation of an emergency endangering life or property.

(g) *Radio station.* The term "radio station" or "station" means apparatus capable of effecting radiocommunication or the radio transmission of energy. Such apparatus includes all equipment for one service and class of station, authorized to a station permittee or licensee, under one authorization.

(h) *Fixed service.* The term "fixed service" means a service of radiocommunication between specified fixed points.

(i) *Fixed station.* The term "fixed station" means a station in the fixed service.

(j) *Fixed zone or interzone station.* The term "fixed zone" or "fixed interzone station" means a fixed station established for the transmission of police radiotelegraph communications.

(k) *Fixed control station.* The term "fixed control station" means a fixed station, the transmissions of which are used to automatically control the omissions or operation of another radio station at a specified location.

(l) *Fixed repeater station.* The term "fixed repeater station" means a fixed station established for the automatic retransmission of radiocommunications received from one or more mobile stations only to a specified location.

(m) *Fixed relay station.* The term "fixed relay station" means a fixed station established for the automatic retransmission of radiocommunications received from either one or more fixed stations or from a combination of land and mobile stations.

(n) *Fixed telemetering station.* The term "fixed telemetering station" means a fixed station established for the automatic transmission of data determined by either electrical or mechanical means, or by a combination of both.

(o) *Mobile service.* The term "mobile service" means a service of radiocommunication between mobile and land stations or between mobile stations.

(p) *Base station.* The term "base station" means a land station in the land mobile service carrying on a service with land mobile stations.

(q) *Mobile station.* The term "mobile station" means a station in the mobile service intended to be used while in motion or during halts at unspecified points.

(r) *Mobile relay station.* The term "mobile relay station" means a base station established for the automatic retransmission of mobile service communications which originate on the transmitting frequency of the mobile stations and which are retransmitted on the receiving frequency of the mobile stations.

#### APPLICATIONS AND LICENSES

§ 10.11 *Station authorization required.* No station shall be operated in the public safety radio services except under and in accordance with an authorization granted by the Federal Communications Commission.

§ 10.12 *Procedure for obtaining a radio station license.* (a) The first step toward obtaining a station license is the filing of application for a construction permit in accordance with this part. After the construction is completed, the station may be tested in accordance with § 10.81 and an application for license filed in accordance with § 10.23.

(b) Where the equipment proposed to be installed is purchased as a complete unit and is of such a nature that no construction other than installation (connection to power supply and antenna) is necessary, application for license may be submitted simultaneously with the application for construction permit.

§ 10.13 *Applications to be on prescribed forms.* Applications for instruments of authorization shall be submitted on standard forms prescribed and furnished by the Commission. The appropriate application form for the particular instrument of authorization desired is set forth in the section of the rules pertaining to the type of authorization requested. The appropriate form or forms may be obtained from the Washington, D. C., office of the Commission or from any of its field offices.

§ 10.14 *Full disclosure.* Each application for an authorization in the public safety radio service shall contain full and complete information as to all matters and things required to be disclosed by the application forms. Failure to supply such complete information shall render the application defective.

§ 10.15 *Statement with respect to frequency requested.* (a) Except for application in the special emergency services, each application requesting assignment of a frequency not previously authorized for use by the applicant shall be accompanied by information in the form required by either paragraph (b) or (c) of this section.

(b) (1) A statement under oath that all existing licensees in the same service located within a radius of 75 miles of the proposed station and operating on frequencies within the band proposed to be used by the applicant have been notified of the applicant's intention to request the particular frequency; and

(2) A report based on a field study covering an area within a radius of 75 miles of the proposed station, indicating the probable interference to existing stations operating in the same service in the band requested and the effect upon channel loading, that might result from a grant of the facilities requested. The basis for such report and the factors taken into consideration in estimating the probable interference shall be furnished in complete detail.

(c) In lieu of the statement and report described in paragraph (a) of this section, the applicant may submit a statement from a frequency advisory committee commenting upon the frequency requested and giving the opinion of the committee regarding the probable interference to existing stations, and the effect on channel loading, that might result from a grant of the requested facilities. The basis for said comments and opinion shall be made a part of the state-

ment. The frequency advisory committee must be so organized that it is representative of all persons involved who are eligible for radio facilities in the service concerned in the area the committee purports to represent and for which recommendations are made. The functions of such committees are purely advisory in character and their comments and recommendations are not binding upon the Commission.

§ 10.16 *Showing required for assignment of frequencies below 50 Mc.* (a) Applications for radiocommunication systems to operate on frequencies below 50 Mc, where frequencies above 50 Mc are available, except those submitted by states or territories, shall be accompanied by a satisfactory showing of need for the lower frequency requested.

(b) The showing required in paragraph (a) of this section may include any or all of the following factors:

(1) *Coverage factors.* A statement to the effect that a frequency above 50 Mc will not give the desired coverage and supported by a contour map outlining the area to be served and indicating all important topographical details, and the results of a field intensity survey or other comparable data demonstrating that the area to be served cannot be adequately covered using a frequency above 50 Mc.

(2) *Operational factors.* A statement explaining existing operational requirements which would make the installation of equipment operating on frequencies above 50 Mc undesirable. Need for establishment of a coordinated radiocommunication network may be considered an operational factor.

(3) *Other factors.* Statement of any other reason, not shown under subparagraphs (1) or (2) of this paragraph, which, in the opinion of the applicant, makes installation and operation of equipment on frequencies above 50 Mc undesirable.

§ 10.17 *Supplemental information required with applications for fixed repeater fixed control, fixed relay or mobile relay stations.* (a) Each application for construction permit for a fixed repeater, fixed control, fixed relay or mobile relay station shall be accompanied by a map and supplemental statement containing the information specified in paragraphs (b) and (c) of this section.

(b) The map shall show:

(1) The location(s) of the proposed station and its control point.

(2) The location of the point at which the signals from the proposed station will be received.

(3) The location(s) of the base station; if any, and control point with which the proposed station will be associated.

(4) The path and direction of transmission for each frequency, both transmitting and receiving, proposed to be used.

(c) The supplemental statement shall contain a detailed description of the proposed system indicating how it will function and setting forth the need for the facilities requested. This statement shall clearly indicate the frequencies of all receivers that actuate the proposed transmitter(s) for the automatic re-

transmission of received signals. If a frequency below 952 Mc is requested for the proposed station, the statement shall indicate why wire line facilities are not feasible.

§ 10.18 *Who may sign applications.* Each application filed on behalf of a State or territory shall be signed by the chief executive of the department for which the station will be used; e. g., the Chief, State Highway Patrol; Chairman, State Conservation Commission, etc. Applications filed on behalf of counties, municipalities, and other shall be signed by the Chief Executive Officer of the applicant; e. g., Chairman, Board of County Commissioners, Sheriff; Mayor, City Manager; or by the chief executive of the department for which the station will be used; e. g., Chief of Police, Director of Public Safety, etc.

§ 10.19 *Subscription and verification of application.* One copy of each application, or amendment of application, for any authorization in the public safety radio services, shall be personally subscribed and verified by the person signing the application. All such subscriptions and verification should be before a notary public or other person authorized to administer oaths.

§ 10.20 *Time and place of filing and number of copies.* Each application for authorization for a station in the public safety radio services shall be filed in duplicate with the Federal Communications Commission, Washington, D. C. Applications involving removal of existing transmitting apparatus or installation of new transmitting apparatus, shall be filed at least 60 days prior to the contemplated removal or installation.

§ 10.21 *Application for construction permit for stations at fixed locations.*

(a) A separate application for construction permit shall be submitted on FCC Form 401-B for each station to be located at a fixed point. Such applications should be accompanied by FCC Form 401a, in quadruplicate, in all cases when:

(1) The antenna and supporting structures proposed to be erected will exceed an over-all height of 150 feet above ground level; or

(2) If the antenna is to be located within 3 miles of a landing area<sup>2</sup> and will exceed an over-all height of 5 feet above ground for each 500 feet of distance, or fraction thereof, from the nearest boundary of the landing area.

(b) When required to be submitted, FCC Form 401a shall be submitted in quadruplicate. There shall be attached to each copy of the form a sketch showing the antenna and supporting structure as well as a map showing the location of the antenna, landing areas in the vicinity thereof, and all tall structures that may affect the marking of the antenna or supporting structure.

<sup>2</sup> "Landing area" means any locality, either of land or water, including airdromes and intermediate landing fields, which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

§ 10.22 *Application for construction permit for mobile stations.* Application for construction permit for any number of mobile units in the same service may be combined and shall be submitted on FCC Form 401-B. Such application may be combined with an application for construction permit for one associated base station on FCC Form 401-B.

§ 10.23 *Application for station license.* Application for station license shall be filed on FCC Form 403 upon completion of construction or installation in accordance with the terms and conditions set forth in the construction permit.

§ 10.24 *Application for modification of construction permit.* Separate application for modification of construction permit shall be submitted on FCC Form 401-B for each station to be located at a fixed point. Application for modification of construction permit for any number of mobile units in the same service shall be submitted on FCC Form 401-B. Such application may be combined with an application for construction permit for one base station in the same service on FCC Form 401-B.

§ 10.25 *Application for modification of station license.* Application for modification of station license shall be submitted on FCC Form 403. A blanket application for modification of a group of station licenses of the same class may be submitted in those cases where the modification requested is the same for all stations covered by the application. The individual stations covered by such application shall be clearly identified therein.

§ 10.26 *Application for renewal of license.* Application for removal of station license shall be submitted on FCC Form 405. A blanket application may be submitted for renewal of a group of station licenses of the same class. The individual stations covered by such applications shall be clearly identified thereon. Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license to be renewed.

§ 10.27 *Informal applications.* (a) In circumstances requiring immediate use of radio facilities, request may be made for special temporary authority to install and operate new equipment, or to operate licensed equipment in a manner different from that authorized in the station license. Such request should be in writing, submitted in duplicate, and signed under oath. In emergencies a telegraphic or telephonic request may be submitted, provided it is immediately followed by a written request, under oath, for the authority desired.

(b) Request for special temporary authority shall contain the following information:

- (1) Type of operation to be conducted.
- (2) Purpose of operation.
- (3) Need for special action.
- (4) Time and date of operation desired.
- (5) If operation may continue longer than 90 days, a statement that formal application for construction permit will be filed immediately.

(6) Class of station and nature of service.

(7) Location of station.

(8) Equipment to be used, specifying manufacturer, model number and number of units.

(9) Frequency(s) desired.

(10) Plate power input to final radio stage.

(11) Type of emission.

(c) No request for special temporary authority will be considered unless received by the Commission at least 10 days previous to the date of proposed operation. A request received within less than 10 days may be accepted upon due showing of sufficient reasons for the delay in submitting the request.

§ 10.28 *Amendment of applications ordered.* The Commission may, upon its own motion or upon motion of any party to a proceeding, order the applicant to amend his application so as to make the same more definite and certain.

§ 10.29 *Amendments and dismissals.* Any application, prior to the time it is granted may be amended by the applicant or dismissed without prejudice upon request of the applicant. Amendments shall be subscribed, verified, and submitted in the same manner, and with the same number of copies, as was the original application.

§ 10.30 *Defective applications.* (a) Applications which are defective with respect to completeness of answers to required questions, execution, or other matters of purely formal character will not be received for filing by the Commission, unless the Commission shall otherwise direct, and will be returned to the applicant with a brief statement as to the manner in which it is defective.

(b) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) Applications which are not in accordance with the Commission's rules, regulations or other requirements, will be considered defective unless accompanied either (1) by a petition to amend any rule or regulation with which the application is in conflict; or (2) by a request of the applicant for a waiver of, or an exception to, any rule, regulation or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

§ 10.31 *Partial grants.* Where the Commission, without a hearing, grants an application in part, or with any privileges, terms or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, file with the Commission a written request, rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and set the application for hearing in the same manner as other applications are set for hearing.

§ 10.32 *License period.* The normal license period of all stations in the public safety radio services shall be four years, except that the Commission may vary this term in individual licenses for the purpose of establishing an orderly and uniform schedule of renewals.

§ 10.33 *Discontinuance of station operation.* In case of discontinuance of operation for a period of one year or more of the transmitting apparatus of a station in this service authorized at a fixed point, or in case of discontinuance for a period of one year or more of operation of all transmitter units listed in the license for a mobile station in these services, the licensee shall forward the station license to the Washington, D. C. office of the Commission for cancellation. A copy of the request for cancellation of the license shall be forwarded to the Commission's Engineer-in-Charge of the district in which the station is located.

§ 10.34 *International police radio communication.* Municipalities and others eligible for stations in the police radio service which are located in close proximity to the borders of the United States may be authorized to communicate internationally. Request for such authority shall be submitted in duplicate and be signed under oath. The request shall include information as to the station with which communication will be conducted, frequency, power, emission, etc., that will be used. If authorized, such international communication must be conducted in accordance with Article 7 of the Inter-American Agreement—Santiago, Chile, 1940. (See Appendix A to this part)

§ 10.35 *Experimental operation.* (a) Licensees or persons eligible for stations in these services desiring to make field surveys to determine the service area of a station or proposed station in these services, or to determine a suitable location for such station, may request special temporary authorization for an Experimental Class I station in accordance with Part 5 of this chapter.

(b) Licensees or other eligibles engaged in experimentation directed toward the development of some phase of these services and requiring the use of radio to complete such development, may apply for an Experimental Class II station authorization in accordance with Part 5 of this chapter.

#### TECHNICAL SPECIFICATIONS

§ 10.51 *Assigned frequency and authorized channel width.* (a) Each frequency assigned to a station is the midpoint of a frequency channel within which the station is authorized to operate.

(b) The width of the authorized frequency channel varies in accordance with the following tabulation:

Frequency range:	Authorized channel width (Kc)
1.6 to 3 Mc (using A3 emission).....	8
1.6 to 3 Mc (using any other emission) ..	4
3 to 6 Mc.....	5
6 to 10 Mc.....	10
30 to 100 Mc.....	40
100 to 216 Mc.....	60
Above 216 Mc: To be specified in authorization.	

§ 10.52 *Frequency stability.* (a) A permittee or licensee in these services shall maintain the carrier frequency of each authorized transmitter within the following percentage of the assigned frequency, except as provided in paragraphs (b) and (c) of this section:

Frequency range:	Frequency tolerance (percent)
Below 50 Mc-----	0.01
From 50-216 Mc-----	.005
Above 216 Mc: To be specified in authorization.	

(b) The licensees of mobile units using amplitude modulation may, until July 1, 1950, maintain the carrier frequency of such units in accordance with the following tabulation in lieu of the tabulation in paragraph (a) of this section:

Frequency range:	Frequency tolerance (percent)
30-40 Mc-----	0.03
Below 30 Mc-----	.02

(c) For transmitters authorized to operate as mobile stations with a maximum plate power input to the final radio stage of 3 watts or less, the frequency shall be maintained within the limits of the authorized channel in lieu of the requirements in paragraphs (a) and (b) of this section.

§ 10.53 *Types of emission.* (a) In these services, stations may be authorized to use one or more of the following types of emission: A-1, A-2, A-3, and A-4; and special emission for frequency modulation (1) for telephony, and (2) for operation of signalling, calling, and similar devices which function only as an adjunct to the establishment or maintenance of radio-telephone communications. An application involving one or more of the above types of emission need only list the type desired; but an application involving use of any other type emission shall fully describe the type of emission desired, including the band width occupied by the signal.

(b) In these services, special emission for frequency modulation will be authorized only on frequencies above 30 Mc.

§ 10.54 *Emission outside the authorized channel.* (a) Except for side band components developed by frequency modulation, emission of each transmitter outside of the authorized channel shall be attenuated below the maximum level of emissions within the authorized channel in accordance with the following table:

Maximum authorized plate power input to the final radio stage	Attenuation (db)
3 watts or less-----	40
Over 3 watts up to and including 150 watts-----	60
Over 150 watts up to and including 600 watts-----	70
Over 600 watts-----	80

All measurements are to be made by the Lossy line method at the rated transmitter load impedance.

(b) The emission limitations stated in paragraph (a) of this section shall apply to all transmitters authorized to be installed on or after January 1, 1949.

(c) When emissions outside the authorized channel result in interference, the Commission may in its discretion require appropriate technical changes in equipment to alleviate the interference.

§ 10.55 *Modulation requirements.*

(a) When amplitude modulation is used, the modulation shall be sufficient to provide efficient communication, but shall not exceed 100 percent on negative peaks.

(b) When frequency modulation is used, the positive or the negative deviation arising from modulation plus the deviation of the carrier from the assigned frequency due to frequency instability shall not exceed one-half the authorized channel width.

(c) Each transmitter installation authorized after July 1, 1950 shall be provided with a device which shall automatically prevent modulation in excess of that specified in paragraphs (a) and (b) of this section which may be caused by greater than normal audio level: *Provided*, That this requirement shall not be applicable to transmitters authorized to operate as mobile stations with a maximum plate power input to the final radio stage of 3 watts or less.

§ 10.56 *Power and antenna height.*

(a) The power and antenna height which may be used by a station in these services shall be no more than the minimum required for satisfactory technical operation commensurate with the size of the area to be served and local conditions which affect radio transmission and reception. The field intensity authorized for a station in a given geographical area may be restricted by the Commission. In no event shall the actual plate power input to the final radio stage of any transmitter be greater than 5 percent above the maximum value authorized.

(b) Except where the power that may be used on a designated frequency is specifically limited, plate power input to the final radio stage in excess of the following tabulation will not be authorized unless the applicant submits a map showing the area to be covered and, in addition, results of field intensity measurements in the area involved, or other comparable engineering data acceptable to the Commission, which clearly show the need for higher power.

Frequencies:	Maximum plate power input to the final radio stage (watts)
1.6-10 Mc-----	2,000
25-100 Mc-----	500
Above 100 Mc-----	600

§ 10.57 *Assignment of frequencies.*

The frequencies allocated for use by stations in these services are listed in sections of the rules concerning the particular class of station involved. All applicants for, and licensees of, stations in these services are required to cooperate in the selection and use of the designated frequencies, to minimize interference and to make effective use of the frequencies assigned. The frequencies available for use by station in these services will not be assigned exclusively to any one applicant. The use of any frequency may be restricted to one or more specified geographical areas.

§ 10.58 *Change in equipment.* (a) Except as provided in paragraph (b) of this section, the licensee of a station in these services may make changes in licensed equipment without specific authorization from the Commission if such changes do not result in operation in violation of any term of the current authorization for the station involved.

(b) Requests for changes in licensed equipment which will result in operation in violation of any term of the current authorization for the station shall be submitted to the Commission on FCC Form 401-B.

(c) Prior authorization from the Commission is required before the following antenna changes may be made at a station at a fixed location:

- (1) Any change which will increase the overall antenna height;
- (2) Any change which will increase the power gain of the antenna;
- (3) Any change in location of an antenna which exceeds 150 feet in height;
- (4) Any change in location of an antenna to a new site within 3 miles of a landing area<sup>2</sup> for any height of antenna;
- (5) Any change in height or location of an antenna or antenna supporting structure which is required to be marked in accordance with FCC or CAA specifications.

(d) Requests for changes outlined in paragraph (c) of this section shall be submitted to the Commission on FCC Form 401a in quadruplicate. The FCC Form 401a shall be accompanied by maps and sketches showing the proposed change in the antenna or antenna supporting structure. The original copy of FCC Form 401a must be subscribed and signed in accordance with §§ 10.18 and 10.19. If the antenna or antenna supporting structure is required to be marked, a description of the marking shall be attached to FCC Form 401a.

§ 10.59 *Transmitter measurements.*

(a) The licensee of each station shall employ a suitable procedure to determine that the assigned frequency of each transmitter is maintained within the tolerance prescribed in these rules. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

- (1) When the transmitter is initially installed;
- (2) When any change is made in the transmitter which may affect the operating frequency or the stability thereof;
- (3) At intervals not to exceed six months, for transmitters employing crystal-controlled oscillators;

(4) At intervals not to exceed one month, for transmitters not employing crystal-controlled oscillators.

(b) The licensee of each station shall employ a suitable procedure to determine that the plate power input to the final radio stage of each land station trans-

<sup>2</sup> "Landing area" means any locality, either of land or water, including airdromes and intermediate landing fields, which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

mitter does not exceed the maximum figure specified on the current instrument of authorization. Where the transmitter is so constructed that a direct measurement of plate current in the final radio stage is not practicable, the plate input power may be determined from a measurement of the cathode current in the final radio stage. When the plate power input to the final radio stage is determined from a measurement of the cathode current, the required record entry shall clearly indicate the quantities that were measured, the measured values thereof, and the method of determining the plate power input from the measured values. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may increase the transmitter power output;

(3) At intervals not to exceed six months.

(c) The licensee of each station shall employ a suitable procedure to determine that the carrier modulation does not exceed the limits specified in this part. This determination shall be made and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may affect the modulation of the carrier;

(3) At intervals not to exceed six months.

(d) The determinations required by paragraphs (a) (b) and (c) of this section may, at the option of the licensee, be made by any qualified engineering measurement service, in which case the required record entries shall show the name and address of the engineering measurement service as well as the name of the person making the measurements.

(e) In the case of transmitters in mobile units, the determination required by paragraphs (a) and (c) of this section may be made at a test or service bench in lieu of in the mobile unit itself: *Provided*, The measurements are made under load conditions equivalent to actual operating conditions: *And provided further* That after installation in the mobile unit, the transmitter is given a routine check to determine that it is capable of being satisfactorily received by an appropriate receiver.

**§ 10.60 Transmitter control requirements.** (a) All transmitters shall be subject to the following conditions:

(1) The transmitter shall be so installed and protected that it is not accessible to or capable of operation by any persons other than those duly authorized by the licensee;

(2) The radiations of the transmitter shall be suspended immediately upon detection or notification of a deviation from the terms of the station license, except for transmissions concerning the immediate safety of life or property, in which case the transmissions shall be suspended as soon as the emergency is terminated.

(b) In these services each station at a fixed location shall be provided with at least one control point, and may be provided with any number of dispatch points or none at all. As used in this section, a control point is any transmitter operating position which meets all of the following requirements:

(1) The operating position must be under the control and supervision of the licensee;

(2) It is a position at which the monitoring facilities required by this section are installed;

(3) It is a point at which an operator responsible for the operation of the transmitter is stationed.

As used in this section, a dispatch point means any operating position that does not comply with all of the above requirements. Prior authority from the Commission is required for the installation of control point. Dispatch points may be installed without authorization from the Commission.

(c) Means shall be provided whereby each dispatch point is placed under the operational supervision of one or more control points.

(d) When the operating position and the transmitter are not housed in the same building, the control circuits are to be so installed that grounding either side of the circuit or a short across the circuit will not cause the transmitter to radiate.

(e) At each control point for a station at a fixed location, the following facilities shall be installed:

(1) A carrier operated device which will provide continuous visual indication when the transmitter is radiating; or, in lieu thereof, a device which will provide continuous visual indication when the transmitter control circuits have been placed in a condition to produce radiation.

(2) Equipment to permit the operator to aurally monitor all transmissions originating at dispatch points under his supervision.

(3) A device to permit the operator either to disconnect the dispatch point circuits from the transmitter or to render the transmitter inoperative from any dispatch point under his supervision.

#### OPERATING REQUIREMENTS

**§ 10.71 Operator requirements.** (a) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph, and such person shall be responsible for the proper functioning of the station equipment.

(b) Each transmitter shall be operated in the manner prescribed in this paragraph, except for such operation as may come within the provisions of paragraph (a) of this section.

(1) All stations transmitting by manual radiotelegraphy shall be operated during the course of such transmissions by persons holding any class of com-

mercial radiotelegraph operator license or permit. The use of radio teleprinter or radio teletype is not considered to be manual operation.

(2) Mobile stations operating on frequencies above 25 Mc and not coming within the provisions of subparagraph (1) of this paragraph may be operated by unlicensed persons authorized to do so by the station licensee.

(3) Mobile stations operating on frequencies up to and including 25 Mc and not coming within the provisions of subparagraph (1) of this paragraph shall be operated by a person holding any class of commercial radio operator license or permit issued by the Commission: *Provided, however*, That mobile stations associated with, and licensed to the same licensee as a base station, may, while under the operational control of such base station, be operated by unlicensed persons authorized to do so by the licensee.

(4) Fixed stations and base stations not coming within the provisions of subparagraph (1) of this paragraph shall be operated in accordance with the following:

(i) From a control point, fixed or base stations shall be operated by persons holding any class of commercial radio operator license or permit issued by the Commission.

(ii) From a dispatch point, fixed or base stations may be operated by unlicensed persons (authorized to do so by the licensee of the fixed or base station or by the licensee of any mobile unit receiving coordinated service via such dispatch point), but such operation shall be under the direct supervision and responsibility of a person who (a) holds any class of commercial radio operator license or permit issued by the Commission, and who (b) is on duty at a control point meeting the requirements of § 10.60.

(5) Repeater, relay, and telemetering stations are exempt from the requirements of this paragraph unless otherwise provided in the instrument of station authorization. Other stations which are entirely automatic in their operation, including automatic modulation of the carrier, will be considered for exemption in specific instances, upon request.

(6) Notwithstanding any other provision of this paragraph, a station located on any ship or aircraft, or being operated from any location outside the continental United States, its territories, or possessions, or in communication with any station located outside the limits of the continental United States, its territories, or possessions, or in communication with a station licensed by any government other than the United States Government shall be operated by a person holding the proper class of commercial operator license issued by the Commission.

(7) The provisions of this paragraph authorizing certain unlicensed persons to operate mobile stations shall not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain control over the stations licensed to them (including all transmitter units thereof)



or for the proper functioning and operation of those stations (including all transmitter units thereof) in accordance with the terms of the licenses of those stations.

(8) Notwithstanding any other provisions of this paragraph, unless the transmitter is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, such transmitter shall be operated by a person holding a first or second class commercial radio operator license (either radiotelephone or radiotelegraph as may be appropriate for the type of emission being used), issued by the Commission.

(c) Any reference in this section to a commercial radio operator license or permit issued by the Commission shall not be construed to include Aircraft Radiotelephone Operator Authorizations.

§ 10.72 *Posting of operator license.* The original license of each base or fixed station operator shall be posted or immediately available where he is on duty as operator; provided, however, that if the operator on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from the diploma form) or uses as his operating authority a license verification card (FCC Form 758-F) he shall keep such authorization in his personal possession.

§ 10.73 *Posting of station license and transmitter identification cards.* (a) The current authorization for each mobile or portable station shall be retained as a permanent part of the station record. An executed Transmitter Identification Card (FCC Form No. 452-C, Revised) shall be affixed to each mobile and each portable transmitter or associated control equipment. When the transmitter is not in view of and readily accessible to the operator, it is preferred that the identification card be affixed to the control equipment at the transmitter operating position. The following information shall be entered on the card by the permittee or licensee:

- (1) Name of permittee or licensee.
  - (2) Station call signal assigned by the Commission.
  - (3) Exact location or locations of the transmitter records.
  - (4) Frequency or frequencies on which the transmitter to which attached is adjusted to operate, and
  - (5) Signature of the permittee or licensee, or a designated employee thereof.
- (b) The current authorization for each land or fixed station shall be posted at the principal control position of that station. At all other control points listed on the station authorization, a photocopy of the authorization shall be posted. In addition, an executed Transmitter Identification Card (FCC Form No. 452-C, Revised) shall be affixed to each transmitter or associated equipment operated at a fixed location, when the transmitter is not in view of, and readily accessible to, the operator at the principal control position.

§ 10.74 *Station identification.* Every station in these services, except zone and

interzone police and fixed stations shall transmit its call letters at the end of each transmission: *Provided, however,* That transmission of the call letters at the end of each transmission is not required during periods of communication requiring continuous, frequent, or extended use of the transmitting apparatus if, during such periods and in connection with such use, the call letters are transmitted at intervals of not more than 15 minutes.

§ 10.75 *Communication with other stations.* In those cases which require cooperation or coordination of activities, stations in the public safety radio services may communicate with stations in other services and with U. S. Government stations.

§ 10.76 *Operation during an emergency.* The licensee of any station in these services may, during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service by communicating in a manner other than that specified in the station license: *Provided,* (a) That as soon as possible after the beginning of such emergency use notice be sent to the Commission in Washington, D. C., and to the engineer-in-charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put, and (b) That the emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available and the Commission in Washington, D. C., and the engineer-in-charge be notified immediately when such special use of the station is terminated. The Commission may at any time order the discontinuance of such service.

§ 10.77 *Coordinated service.* Radio stations licensed in these services, other than special emergency stations operated by communications common carriers, shall not operate as common carriers of communications for hire. The licensee of any station may however, furnish coordinated radiocommunication service to mobile units of any organization eligible for a license in these services. A licensee rendering coordinated service may accept contributions to capital and operating expenses on a cost-sharing basis from the persons to whom such coordinated service is furnished.

§ 10.78 *Inspection of tower lights and associated control equipment.* The licensee of any station in these services which has an antenna or antenna supporting structure required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a daily check of the tower lights either by visual observation of the tower lights or by observation of an automatic indicator of proper or improper operation to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of

Civil Aeronautics Administration any observed failure of a code or rotating beacon light not corrected within thirty minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each three months all code or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

#### TESTS AND RECORDS

§ 10.81 *Service tests.* When construction is completed in accordance with the terms of the construction permit, the application therefor, and the applicable rules and regulations governing the station, the permittee is authorized to initiate service tests in exact accordance with the terms of the construction permit: *Provided,* That, the engineer-in-charge of the district in which the station is located is notified in writing two days in advance of the beginning of such tests, and the permittee is not notified by the Commission to cancel, suspend, or change the date for the beginning of such tests: *And provided further,* That an application for license is filed within 24 hours after service tests are started.

§ 10.82 *Maintenance tests.* Any station may be tested as may be required for proper maintenance of the equipment. All necessary precautions shall be taken to avoid interference with other stations and the test time shall be kept to a minimum.

§ 10.83 *Content of station records.* Each licensee of a station in these services shall maintain records showing:

(a) Record of adjustments made to correct equipment failures. The entry shall include the name, class and number of operator license of the person making the adjustment and the date the adjustment was made.

(b) Results and dates of transmitter measurements for all authorized transmitters and the name of the person making the measurements.

(c) In the case of stations operated at fixed locations:

(1) Names of persons responsible for the operation of the transmitting equipment each day, together with the period of their duty.

(2) When communicating with other stations at fixed locations:

- (i) Call signal of other station.
- (ii) Nature of such communications.
- (iii) Date, time, and approximate duration of each transmission.

(d) When an antenna, or antenna supporting structure is required to be illuminated, appropriate entries as follows:

(1) The time the tower lights are turned on and off each day if manually controlled.

(2) The time the daily check of proper operation of the tower lights was made, either by visual observation of the tower lights or by observation of an automatic indicator.

(3) In the event of any observed failure of a tower light:

- (i) Nature of such failure.

(ii) Date and time the failure was observed.

(iii) Date, time and nature of the adjustments, repairs, or replacements made.

(iv) Identification of Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each three months:

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, together with the socket voltages measured under load at the sockets or computed from measurements under load at other points.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements or repairs were made.

§ 10.84 *Record form.* The records shall be kept in an orderly manner, and in such detail that the data required are readily available.

§ 10.85 *Records, by whom kept.* Each entry in the records of each station shall be signed by the person qualified to do so, having actual knowledge of the facts to be recorded.

§ 10.86 *Correction of records.* No record or portion thereof shall be erased, obliterated, or wilfully destroyed within the required retention period. Any necessary correction may be made only by the persons originating the entry who shall strike out the erroneous portion, initial the correction made and indicate the date of correction.

§ 10.87 *Record retention period.* Records required by § 10.83 shall be retained by the licensee for a period of at least one year.

#### MISCELLANEOUS

§ 10.91 *Inspection of stations.* All stations and records of stations in these services shall be available for inspection at any time while the station is in operation or shall be made available promptly upon request of an authorized representative of the Commission. If any station is engaged in communication, the station shall be made available for inspection immediately after the conclusion of such communication.

§ 10.92 *Installation of mobile units in private vehicles.* (a) A mobile radio station, or transmitter unit thereof, licensed in these services, may not be installed or maintained in a vehicle, aircraft or vessel which is not at all times controlled by the licensee, except as provided in paragraph (b) of this section.

(b) Such mobile station or transmitter unit may be installed in the private vehicle of an employee of the licensee, provided precautions are taken which will effectively eliminate the possibility that

the mobile station or transmitter unit will be operated while the vehicle, aircraft or vessel is not under the control of the licensee of such mobile station or transmitter unit.

§ 10.93 *Notice of violations.* (a) Any licensee who appears to have violated any provision of the Communications Act of 1934 or of the regulations in this chapter, shall be served with a notice calling the facts to his attention and requesting a statement concerning the matter. Within 3 days from receipt of such notice, or such other period as may be specified, the licensee shall send a written answer direct to the office of the Commission originating the official notice. If an answer cannot be sent nor an acknowledgment made within such 3-day period by reasons of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay.

(b) The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, have been taken to prevent future violations, and if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification shall be given as will permit ready identification thereof. If the notice of violation relates to lack of attention to or improper operation of the transmitter, the name and license number of the operator in charge shall be given.

#### POLICE RADIO SERVICE

§ 10.101 *Eligibility for license.* Authorizations for stations in the police radio service will be issued only to States, Territories, possessions, governmental subdivisions of States, including counties, cities, towns and similar entities and the District of Columbia.

§ 10.102 *Permissible communications.*—(a) *Primary communications.* Stations in the police radio service are primarily authorized to transmit:

(1) Communications relating to public safety and the protection of life or property.

(2) Communications relating to official police activities.

(b) *Secondary communications.* Stations in the police radio service are also authorized to transmit communications essential to other official activities of the licensee pertaining to the public safety.

§ 10.103 *Points of communication.* (a) Police base stations are authorized primarily to intercommunicate with mobile stations in the public safety radio services. Police mobile stations are authorized to intercommunicate with other

mobile stations and with base stations in the public safety radio services.

(b) On a secondary basis, police base stations are authorized to intercommunicate or to transmit to receivers at fixed locations under the following limitations and conditions:

(1) The messages transmitted are of immediate importance to mobile units, or

(2) Normal communication facilities between the two points of communication are inoperative, inadequate or unavailable.

(c) Police zone and interzone stations are authorized to intercommunicate in accordance with the operating procedure prescribed by the Commission.<sup>2</sup>

§ 10.104 *Frequencies available for police base and mobile stations.* (a) The following frequencies are available for assignment to police base and mobile stations licensed to counties, cities, towns, and similar governmental entities and the District of Columbia. The mobile frequencies listed in this paragraph are also available for assignment to police base stations after coordination with other licensees is effected and when a satisfactory showing of need for such use is made.

#### Base and mobile stations Mobile stations

Mc	Mc	Mc
154.65	155.61	159.49
154.71	155.67	159.55
154.77	155.73	159.61
154.83	155.79	159.67
154.89	155.85	159.73
154.95	155.91	159.79
155.01	155.97	159.85
155.07	156.03	159.91
155.13	156.09	159.97
155.19	<sup>2</sup> 156.15	159.03
155.25	<sup>2</sup> 156.21	159.09
155.31	<sup>2</sup> 156.27	
155.37	<sup>2</sup> 156.33	
155.43	<sup>2</sup> 156.39	
155.49	<sup>2</sup> 156.45	
155.55		

45.04	45.33	45.70
45.06	45.40	45.72
45.08	45.42	45.74
45.10	45.44	45.76
45.12	45.46	45.78
45.14	45.48	45.80
45.16	45.50	45.82
45.18	45.52	45.84
45.20	45.54	45.86
45.22	45.56	45.88
45.24	45.58	45.90
45.26	45.60	45.92
45.28	45.62	45.94
45.30	45.64	45.96
45.32	45.66	45.98
45.34	45.68	45.00
45.36		45.02

(b) The following frequencies are available for assignment to police base

<sup>2</sup> A copy of the prescribed procedure may be obtained from the Federal Communications Commission.

<sup>2</sup> Assignments within 150 miles of coastal areas and navigable gulfs, bays, rivers and lakes are subject to the condition that no harmful interference will be caused to the maritime mobile service and will be made only after a factual finding indicates, that on an engineering basis, no harmful interference will be caused to the maritime mobile service.



and mobile stations licensed to the various states, territories, and possessions:

*Base and Mobile stations*

Mc	Mc	Mc
37.06	39.06	39.54
37.10	39.10	39.58
37.14	39.14	39.62
37.18	39.18	39.82
37.22	39.22	39.86
37.26	39.42	39.90
37.30	39.46	39.94
39.02	39.50	39.98

*Mobile stations only*

Mc	Mc	Mc
37.02	39.26	39.70
37.34	39.30	39.74
37.38	39.34	39.78
37.42	39.38	
37.42	39.66	

The frequencies listed in this paragraph are also available for assignment to police base and mobile stations to be operated by other eligibles for police licenses upon a satisfactory showing of need therefor, as set forth in § 10.16.

(c) The following frequencies are available for assignment to police base and mobile stations licensed to the various states, territories, and possessions:

*Base and Mobile stations*

Mc	Mc	Mc
42.02	42.62	44.72
42.06	42.82	44.74
42.10	42.86	44.76
42.14	42.90	44.78
42.34	42.94	44.80
42.38	44.60	44.82
42.42	44.62	44.84
42.46	44.64	44.86
42.50	44.66	44.88
42.54	44.68	
42.58	44.70	

*Mobile stations only*

Mc	Mc	Mc
42.18	42.70	44.94
42.22	42.74	44.96
42.26	42.78	44.98
42.30	44.90	45.00
42.66	44.92	45.02

The frequencies listed in this paragraph are also available for assignment to mobile stations operated by other eligibles for police licenses when the operation of such mobile stations will be coordinated with the operation of an existing state police system. Applications for such mobile stations shall be accompanied by a statement from the state, territory or other possession concerned.

(d) In addition to the frequencies listed in paragraphs (a) (b) and (c) of this section, the medium frequencies listed below are also available for assignment to police base stations in accordance with a geographical assignment plan on file at the office of the Commission at Washington, D. C.

Kc	Kc	Kc	Kc
*1610	1674	*2326	2442
*1618	1682	*2366	2450
*1626	*1690	2382	2458
*1634	*1698	*2390	2466
*1642	*1706	2406	2474
1650	1714	2414	2482
1658	1722	2422	2490
1666	1730	2430	

(e) Normally only one base station and one mobile frequency will be assigned

\*Subject to the condition that no interference is caused to Canadian stations.

to a licensee. However, additional frequencies may be assigned on an adequate showing of need therefor.

§ 10.105 *Microwave frequencies available for experimental police base and mobile stations.* Frequencies in the bands listed below are available for assignment to police base and mobile stations on an experimental basis only. The exact frequency, or the authorized channel, will be specified in the authorization.

Mc	Mc
454- 456	6425- 6575
*2450- 2500	11700-12200
3500- 3700	

§ 10.106 *Frequencies available for police fixed stations.* Frequencies in the bands listed below are available for assignment to any type of police fixed station required to augment, supplement or extend a police radio system. The exact frequency, or the authorized channel, will be specified in the authorization. The bands above 952 Mc are available on an experimental basis only.

Mc	Mc
72- 76	2500- 2700
952- 960	6575- 6875
1850- 1990	12200-12700
2110- 2200	*16000-18000
*2450- 2500	26000-30000

§ 10.107 *Frequencies available for police zone and interzone stations.* (a) The frequencies listed below are available for assignment to police zone and interzone stations subject to the limitations in paragraphs (b) and (c) of this section.

2804 kc	5135 kc	7480 kc day only
2808 kc	5140 kc	7805 kc day only
2812 kc	5195 kc calling	7935 kc day only

(b) The frequency 5195 kc, designated as a calling frequency in paragraph (a) of this section, may be used for the transmission of operating signals and a single short radio telegram provided no interference is caused to call signals.

(c) All communications shall be transmitted in accordance with the operating procedure prescribed by the Commission.<sup>3</sup>

(d) Plate power input to the final radio stage in excess of 750 watts will not normally be authorized for use by police zone or interzone stations.

**FIRE RADIO SERVICE**

§ 10.201 *Eligibility for license.* Authorizations for fire radio stations will be issued only to governmental subdivisions including counties, towns and similar entities, the District of Columbia, and persons or organizations charged with specific fire department activities. Applications from organizations other than governmental subdivisions must be

<sup>3</sup> A copy of the prescribed procedure may be obtained from the Federal Communications Commission.

<sup>4</sup> Subject to no protection from interference due to the operation of industrial, scientific, and medical devices on frequencies in this band.

<sup>5</sup> The frequencies between 72 and 76 Mc are available, for assignment only in those areas where television channel 4 or 5 has not been reserved for use. Applicants for this band should communicate with the Commission with regard to particular location(s) prior to the filing of an application.

accompanied by a statement from the governmental subdivision having legal jurisdiction over the area to be served, supporting the request.

§ 10.202 *Permissible communications.* Stations in the fire radio service are authorized to transmit:

(a) Communications relating to public safety and the protection of life or property.

(b) Communications essential to official fire department activities.

§ 10.203 *Points of communication.* (a) Fire base stations are authorized primarily to intercommunicate with mobile stations in the public safety radio services. Fire mobile stations are authorized to intercommunicate with other mobile stations and with base stations in the public safety radio services.

(b) On a secondary basis, fire base stations are authorized to intercommunicate or to transmit to receivers at fixed locations under the following limitations and conditions:

- (1) The messages transmitted are of immediate importance to mobile units;
- (2) Normal communication facilities between the two points of communication are inoperative, inadequate or unavailable.

§ 10.204 *Frequencies available for fire base and mobile stations.* (a) The following frequencies are available for assignment to fire base and mobile stations:

<i>Base and mobile stations</i>		<i>Mobile stations only</i>	
Mc	Mc	Mc	Mc
154.13	154.37	153.77	154.01
154.19	154.43	153.89	154.07
154.25	158.37	153.95	154.43
154.31			

(b) The following frequencies are available for assignment to fire mobile stations authorized to operate with a maximum plate power input to the final radio stage of 3 watts or less:

33.42 Mc	153.83 Mc
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(c) In addition to the frequencies listed in paragraph (a) of this section, the following frequencies are also available for assignment to fire base and mobile stations upon a satisfactory factual showing of need therefor as set forth in § 10.16.

<i>Base and mobile stations</i>		<i>Mobile stations only</i>	
Mc	Mc	Mc	Mc
1630 kc			
		33.46	33.58
		33.50	33.62
33.70	33.86	33.54	33.66
33.74	33.90		
33.78	33.94	46.36	46.44
33.82	33.98	46.38	46.46
		46.40	46.48
		46.42	46.50
46.04	46.20		
46.06	46.22		
46.08	46.24		
46.10	46.26		
46.12	46.28		
46.14	46.30		
46.16	46.32		
46.18	46.34		

§ 10.205 *Microwave frequencies available for experimental fire base and mobile stations.* Frequencies in the bands listed below are available for assignment to fire base and mobile stations on an experimental basis only. The exact fre-

quency, or the authorized channel, will be specified in the authorization.

Mc	Mc
454-456	6425-6575
*2450-2500	11700-12200
3500-3700	

§ 10.206 *Frequencies available for fire fixed stations.* Frequencies in the bands listed below are available for assignment to any type of fire fixed station required to augment, supplement or extend a fire radio system. The exact frequency, or the authorized channel, will be specified in the authorization. The bands above 952 Mc are available on an experimental basis only.

Mc	Mc
72-76	2500-2700
952-960	6575-6875
1850-1930	12200-12700
2110-2200	*16000-18000
*2450-2500	26000-30000

#### FORESTRY-CONSERVATION RADIO SERVICE

§ 10.301 *Eligibility for license.* Authorizations for forestry-conservation radio stations will be issued only to states, territories, possessions, governmental subdivisions of states including counties, cities, towns, and similar entities and persons or organizations charged with specific forestry-conservation duties. Applications for such authorizations from organizations other than states, territories, or possessions must be accompanied by a statement from the state, territory, or possession, charged with governing the area to be served, supporting the request.

§ 10.302 *Permissible communications.* (a) Stations in the forestry-conservation radio service using frequencies listed in § 10.304 (a) (b) and (c) are authorized to transmit:

- (1) Communications relating to public safety and the protection of life or property;
- (2) Communications essential to the prevention, detection and suppression of forest fires;
- (3) Communications essential to official forestry-conservation activities.

(b) Stations in the forestry-conservation radio service using frequencies listed in § 10.304 (d) are authorized to transmit:

- (1) Communications relating to public safety and the protection of life or property;
- (2) Communications essential to the prevention, detection and suppression of forest fires.

(c) Stations in the forestry-conservation radio service using frequencies listed in § 10.304 (d) may be authorized to transmit communications essential to operations in connection with official forestry-conservation activities where a coordi-

\* Subject to no protection from interference due to the operation of industrial, scientific, and medical devices on frequencies in this band.

† The frequencies between 72 and 76 Mc are available for assignment only in those areas where television channel 4 or 5 has not been reserved for use. Applicants for this band should communicate with the Commission with regard to particular location(s) prior to the filing of an application.

nated radio network requires joint use of the same frequencies for forest fire fighting and other forestry-conservation activities. The request for such joint use should be accompanied by a statement from the state agency legally responsible for the prevention, detection, and suppression of forest fires supporting the request for joint use.

§ 10.303 *Points of communication.* (a) Forestry-conservation base stations are authorized primarily to intercommunicate with mobile stations in the public safety radio services. Forestry-conservation mobile stations are authorized to intercommunicate with other mobile stations and with base stations in the public safety radio services.

(b) On a secondary basis, forestry-conservation base stations are authorized to intercommunicate or to transmit to receivers at fixed locations under the following limitations and conditions:

- (1) The messages transmitted are of immediate importance to mobile units, or

- (2) Normal communication facilities between the two points of communication are inoperative, inadequate or unavailable.

§ 10.304 *Frequencies available for forestry-conservation base and mobile stations.* (a) The following frequencies are available for assignment to any forestry-conservation base or mobile station:

*158.51	*156.75	*158.03	159.27
*158.57	*156.81	159.15	159.33
*158.63	*156.87	159.21	159.23
*158.69			

(b) The following frequencies are available for assignment to forestry-conservation base and mobile stations operated by states, territories, or possessions:

- (1) For use with a plate power input to the final radio stage not in excess of 500 watts:

Mc	Mc	Mc	Mc
*30.83	46.55	46.63	46.60
*30.90	46.53	46.70	46.62
*30.94	46.60	46.72	46.64
*30.93	46.62	46.74	46.65
*31.02	46.64	46.76	46.68
46.52	46.63	46.78	46.90
46.54			

- (2) For use with a plate power input to the final radio stage not in excess of 100 watts:

2212 kc	2236 kc	2244 kc
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- (3) For use with a plate power input to the final radio stage not in excess of 1000 watts:

2226 kc
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(c) The frequencies listed in paragraph (b) of this section are also available for assignment to forestry-conser-

† Assignments within 150 miles of coastal areas and navigable gulfs, bays, rivers and lakes are subject to the condition that no harmful interference will be caused to the maritime mobile service and will be made only after a factual finding indicates, that on an engineering basis, no harmful interference will be caused to the maritime mobile service.

\* Shared with urban transit radio stations.

vation base and mobile stations to be operated by other eligibles in this service upon a satisfactory showing of need therefor as set forth in § 10.16.

(d) The following frequencies are available for assignment to forestry-conservation base and mobile stations operated by states, territories or possessions primarily for use in forest fire prevention, detection and suppression.

Mc	Mc	Mc	Mc
*31.03	31.30	31.54	31.73
*31.10	31.34	31.53	31.82
*31.14	31.38	31.62	31.83
31.10	31.42	31.63	31.83
31.22	31.45	31.70	31.94
31.23	31.50	31.74	31.93

§ 10.305 *Microwave frequencies available for experimental forestry-conservation base and mobile stations.* Frequencies in the bands listed below are available for assignment to forestry-conservation base and mobile stations on an experimental basis only. The exact frequency, or the authorized channel, will be specified in the authorization.

Mc	Mc
454-456	6425-6575
*2450-2500	11700-12200
3500-3700	

§ 10.306 *Frequencies available for forestry-conservation fixed stations.* Frequencies in the bands listed below are available for assignment to any type of forestry-conservation fixed station required to augment, supplement or extend a forestry-conservation radio system. The exact frequency, or the authorized channel, will be specified in the authorization. The bands above 952 Mc are available on an experimental basis only.

Mc	Mc
72-76	6575-6875
952-960	12200-12700
1850-1930	*16000-18000
2110-2200	25000-30000
*2450-2500	
2500-2700	

#### HIGHWAY MAINTENANCE RADIO SERVICE

§ 10.401 *Eligibility for license.* Authorizations for highway maintenance radio stations will be issued only to states, territories, possessions, governmental subdivisions of states, including counties, cities, towns and similar entities and the District of Columbia.

§ 10.402 *Permissible communications.* Stations in the highway maintenance radio service are authorized to transmit:

- (a) Communications relating to public safety and the protection of life or property.

(b) Communications essential to official activities directly relating to the maintenance, supervision and operation of public highways.

§ 10.403 *Points of communication.* (a) Highway maintenance base stations are authorized primarily to intercommunicate with mobile stations in the public safety radio services. Highway maintenance mobile stations are authorized to intercommunicate with other mobile stations and with base stations in the public safety radio services.

(b) On a secondary basis, highway maintenance base stations are authorized to intercommunicate or to transmit

to receivers at fixed locations under the following limitations and conditions:

- (1) The messages transmitted are of immediate importance to mobile units, or
- (2) Normal communication facilities between the two points of communication are inoperative, inadequate or unavailable.

§ 10.404 *Frequencies available for highway maintenance base and mobile stations.* The following frequencies are available for assignment to highway maintenance base and mobile stations:

Mc	Mc	Mc	Mc	Mc
<sup>2a</sup> 156.99	46.96	47.10	47.24	47.38
<sup>2a</sup> 157.05	46.98	47.12	47.26	<sup>2</sup> 33.02
<sup>2a</sup> 157.11	47.00	47.14	47.28	<sup>2</sup> 33.06
<sup>2a</sup> 157.17	47.02	47.16	47.30	<sup>2</sup> 33.10
<sup>2a</sup> 157.23	47.04	47.18	47.32	<sup>2</sup> 37.90
46.92	47.06	47.20	47.34	<sup>2</sup> 37.94
46.94	47.08	47.22	47.36	<sup>2</sup> 37.98

§ 10.405 *Microwave frequencies available for experimental highway maintenance base and mobile stations.* Frequencies in the bands listed below are available for assignment to highway maintenance base and mobile stations on an experimental basis only. The exact frequency, or the authorized channel, will be specified in the authorization.

Mc	Mc
454- 456	6425- 6575
<sup>2</sup> 2450-2500	11700-12200
3500-3700	

§ 10.406 *Frequencies available for highway maintenance fixed stations.* Frequencies in the bands listed below are available for assignment to any type of highway maintenance fixed station required to augment, supplement or extend a highway maintenance radio system. The exact frequency, or the authorized channel, will be specified in the authorization. The bands above 952 Mc are available on an experimental basis only.

Mc	Mc
<sup>2a</sup> 72- 76	2500- 2700
952- 960	6575- 6875
1850-1990	12200-12700
2110-2200	<sup>2</sup> 16000-18000
<sup>2</sup> 2450-2500	26000-30000

#### SPECIAL EMERGENCY RADIO SERVICE

§ 10.501 *Eligibility for license.* (a) Authorizations for special emergency stations will be issued only to:

- (1) Organizations established for relief purposes in emergencies and which have a disaster communication plan;

<sup>2a</sup> Assignments within 150 miles of coastal areas and navigable gulfs, bays, rivers and lakes are subject to the condition that no harmful interference will be caused to the maritime mobile service and will be made only after factual finding indicates, that on an engineering basis, no harmful interference will be caused to the maritime mobile service.

<sup>2</sup> Subject to no protection from interference due to the operation of industrial, scientific, and medical devices on frequencies in this band.

<sup>2a</sup> The frequencies between 72 and 76 Mc are available for assignment only in those areas where television channel 4 or 5 has not been reserved for use. Applicants for this band should communicate with the Commission with regard to particular location(s) prior to the filing of an application.

<sup>2</sup> Shared with the special emergency radio service.

(2) Persons having establishments in remote locations where other communication facilities are not available or feasible;

(3) Communications common carriers, (b) To permit a determination of eligibility, each application for a new authorization in the special emergency radio service shall be accompanied by a statement outlining applicant's need for the radio facilities requested and describing the manner of use thereof.

§ 10.502 *Permissible communications.* (a) Stations in the special emergency radio service are authorized to transmit communications relating to public safety and the protection of life or property.

(b) Stations in the special emergency radio service operated by communications common carriers may be used to provide emergency communication facilities between two points when normal communication facilities between these points are temporarily disrupted.

§ 10.503 *Points of communication.* (a) Stations in the special emergency radio service are authorized to intercommunicate with other stations in the public safety radio services.

(b) Upon a satisfactory showing of need, stations in the special emergency radio service may be authorized to intercommunicate with other stations or to transmit to receivers at fixed locations. If such authority is granted, these authorized points of communication will be specified in the station authorization.

§ 10.504 *Frequencies available for special emergency base and mobile stations.* (a) The following frequencies are available for assignment to special emergency base and mobile stations:

Mc	Mc	Mc	Mc
47.40	47.52	47.64	<sup>2</sup> 37.94
47.42	47.54	47.66	37.98
47.44	47.56	<sup>2</sup> 33.02	kc
47.46	47.58	<sup>2</sup> 33.06	2726
47.48	47.60	<sup>2</sup> 33.10	3190
47.50	47.62	<sup>2</sup> 37.90	

(b) The following frequencies are available for use with a plate power input to the final radio stage not in excess of 100 watts:

2292 kc	4637.5 kc day only
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§ 10.505 *Microwave frequencies available for experimental special emergency base and mobile stations.* Frequencies in the bands listed below are available for assignment to special emergency base and mobile stations on an experimental basis only. The exact frequency, or the authorized channel, will be specified in the authorization.

Mc	Mc
454- 456	6425- 6575
<sup>2</sup> 2450- 2500	11700-12200
3500- 3700	

§ 10.506 *Frequencies available for special emergency fixed stations.* Frequencies in the bands listed below are available for assignment to any type of special emergency fixed station required to augment, supplement or extend a special emergency radio system. The exact

<sup>2</sup> Shared with the highway maintenance radio service.

frequency, or the authorized channel, will be specified in the authorization. The bands above 952 Mc are available on an experimental basis only.

Mo	Mo
<sup>2a</sup> 72- 76	2500- 2700
952- 960	6575- 6875
1850-1990	12200-12700
2110-2200	<sup>2</sup> 16000-18000
<sup>2</sup> 2450-2500	26000-30000

§ 10.507 *Availability to the public.* A licensee of a station in the special emergency radio service shall make the communication facilities of such station available to any member of the public for the transmission of messages permitted by §§ 10.502 and 10.503.

§ 105.508 *Avoidance of interference.* Stations in the special emergency radio service shall take all reasonable precautions, including listening tests, to avoid harmful interference to the service of another station.

#### APPENDIX A—INTER-AMERICAN AGREEMENT SANTIAGO, CHILE, 1940

##### ARTICLE 7—INTERNATIONAL POLICE SERVICES

L. When the signatory countries authorize their police stations which are located in close proximity to the national boundaries of contiguous countries to transmit emergency information with similar stations of another country, the following rules shall be applied:

(a) Only police stations located close to the boundaries of contiguous countries shall be allowed to engage in this exchange of information.

(b) In general, only important police messages are to be handled, such as those which would lose their value due to slowness and time limitations of other communication systems.

(c) The frequencies to be used in radiotelephone communications with mobile police units shall not be used for radiotelegraph communications.

(d) Whenever the exchange of radiotelephone communications is authorized, those communications shall be made on the frequencies assigned to the respective stations for radiotelephone service.

(e) If the exchange of radiotelegraph communications is authorized, these communications shall be made on the following frequencies:

2804 kc calling	5195 kc day calling
2808 kc working	5135 kc day working
2812 kc working	5140 kc day working

(f) Notifications concerning the particulars of stations engaged in international police service shall be forwarded to the Bureau of International Telecommunications Union, Berne, Switzerland, in order that all stations desiring to intercommunicate may be kept informed of the details concerning their operations.

(g) This service shall, in general, conform with the provisions of Article 17 of the Cairo Radio Regulations.

(h) Full use shall be made of the list of abbreviations appearing in Appendix 11 to the Cairo Radio Regulations. Plain language shall not be used if abbreviations will suffice. Service indications are as follows: "P," priority for messages that are to be sent immediately, regardless of the number of other messages on file. If no service indication is given, the messages are to be transmitted in the order of receipt.

(i) The message shall contain the preambles, text, and signature, as follows:

(1) Preamble: The preamble of the message shall consist of the following: the serial

number preceded by the letters "NR"; service indications as appropriate; check (this is the group count according to standard cable count system); the letters "CK" followed by numerals indicating the number of words contained in the text of the message; office and country of origin (not abbreviated); day of month and month, hour of filing and address.

(2) Text: The text may be either in plain language or code.

(3) Signature: The signature shall include the name and title of the person originating the message.

[F. R. Doc. 48-5454; Filed, June 22, 1948; 8:49 a. m.]

## 147 CFR, Parts 7, 8, 11, 171

[Docket No. 9018]

### INDUSTRIAL RADIO SERVICES

#### NOTICE OF PROPOSED RULE MAKING

In the matter of promulgation of new Part 11 of the Commission's rules entitled Industrial Radio Services.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission proposes to issue new rules, set forth below, to be designated Part 11—Industrial Radio Services. These rules will provide radio-communications for use in connection with the operation of electric, gas, water, and steam utilities and of miscellaneous agricultural, constructional, logging, manufacturing, mining, petroleum and other business enterprises.

3. The proposed new industrial radio service is intended to consolidate a number of radio services administered by the Commission; to reduce the overlap between different services thereby simplifying administrative procedures for applicants and the Commission alike; and to increase the number of businesses eligible for radio station licenses on a regular basis.

4. Since those services which are presently authorized to operate under the current Part 11—Miscellaneous Services, are provided for in the new rules, all sections of the present Part 11 will be superseded. Parts 7 and 8 will be amended to include mobile press stations.

5. As indicated above, the proposed new industrial services will provide for power utility and petroleum pipeline operations presently authorized in Part 17—Utility Radio Service. Inasmuch as this leaves only the transit utility stations in Part 17, for which provision is being made in a new proposed land transportation radio service, Part 17 will be deleted.

6. The proposed rules are issued under the authority of sections 301 and 303 (a) (b) (c) (e) (f) (j), (n) and (r) of the Communications Act of 1934, as amended.

7. Any interested party who is of the opinion that the proposed rules should not be adopted, or should not be adopted in the manner set forth below, may file with the Commission on or before July 12, 1948 a statement or brief setting forth his comments. At the same time persons favoring the rules as proposed may file statements in support thereof. The Commission will consider all such

comments that are presented before taking action in the matter, and if any comments are submitted which appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: June 11, 1948.

### FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIN,  
Secretary.

## PART 11—INDUSTRIAL RADIO SERVICES

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- 11.52 General restrictions; eligibility for station license.
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\* Sections 11.58 and 11.59 have been deleted from Subpart B and added to Subpart H as §§ 11.355 and 11.356.

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- 11.356 Showing required for assignment of frequencies between 1.6 and 6.0 Mc.

### SUBPART A—GENERAL RULES

§ 11.1 *Basis and purpose.* (a) The basis for the rules and regulations following in this part is Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions and to issue licenses for radio stations; and applicable treaties and agreements to which the United States is a party.

(b) The purpose of the rules and regulations in this part is to prescribe the manner in which parts of the radio spectrum may be made available for radio-communication, signalling, and control facilities which are essential to, operated by, and for the sole use of various commercial and industrial enterprises described herein. These enterprises, by reason of safety requirements or other necessity, require radio transmitting facilities in order to function efficiently. However, such facilities will be authorized for intercommunication between fixed locations only when other methods of communication are inoperable, inadequate, or impractical. Radio facilities authorized under this part may not be used to carry communications for hire, or to carry program material of any kind, either directly or indirectly, for use in connection with radio broadcasting, or operation of public address systems.

§ 11.2 *Definition of terms.* Expressions occurring frequently in this part are defined in this section. For other definitions, refer to Part 2 of this chapter, General Rules Relating to Frequency Allocation and Radio Treaty Matters.

(a) *Telecommunication.* Any transmission, emission or reception of signs,

signals, writing, images, and sounds or intelligence of any nature by wire, radio, visual or other electromagnetic systems.

(b) *Radiocommunication*. Any telecommunication by means of Hertzian Waves.

(c) *Hertzian waves*. Electromagnetic waves of frequencies between 10 kc and 3,000,000 Mc.

(d) *Radio*. A general term applied to the use of Hertzian waves.

(e) *Radio service*. An administrative subdivision of the field of radiocommunication. In an engineering sense, the subdivisions may be made according to the method of operation, as, for example, mobile service and fixed service. In a regulatory sense, the subdivisions may be descriptive of particular groups of licensees, as, for example, the groups and subgroups of persons licensed under this part.

(f) *Mobile service*. A service of radiocommunication between mobile and land stations, or between mobile stations.

(g) *Land mobile service*. A mobile service between base stations and land mobile stations, or between land mobile stations.

(h) *Fixed service*. A service of radiocommunication between specified fixed points.

(i) *Radio station*. A separate transmitter or a combination of transmitters, including accessory equipment, required for carrying on a definite radiocommunication service.

(j) *Mobile station*. A station in a mobile service intended to be used while in motion or during halts at unspecified points.

(k) *Land mobile station*. A mobile station in the land mobile service capable of surface movement within the geographical limits of a country or continent.

(l) *Land station*. A station in the mobile service not intended for operation while in motion. (The three principal types of land stations are coast stations, aeronautical stations, and base stations, of which only the last type is pertinent to this part.)

(m) *Base station*. A land station in the land mobile service carrying on a service with land mobile stations.

(n) *Fixed station*. A station in the fixed service.

(o) *Operational fixed station*. A fixed station, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the public safety, industrial, land transportation, or aviation services. (This term includes all fixed stations licensed under this part.)

(p) *Channel*. In the regulatory sense, a channel or radio frequency channel means that portion of a radio spectrum within which a particular radio station is authorized to transmit. See § 11.102 for a table of channel widths.

(q) *Channel pair*. Two radio channels used together in a mobile service radio system. Generally, one channel is used for base stations, the other for their associated mobile units.

(r) *Harmful interference*. Any radiation or any induction which endangers the functioning of a radionavigation

service or of a safety service or obstructs or repeatedly interrupts a radio service operating in accordance with the regulations in this part. (For purposes of this definition only, a safety service is any radio service whose operation is directly related, whether permanently or temporarily, to the safety of human life and the safeguarding of property.)

(s) *Landing area*. Landing area means any locality, either of land or water, including airdromes and intermediate landing fields, which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

(t) *Kc (kilocycle)*. A kilocycle (kc) means one kilocycle per second, and is equal to one thousand cycles per second.

(u) *Mc (megacycle)*. A megacycle (Mc) means one thousand kilocycles.

(v) *Public correspondence*. Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

(w) *Radar*. Radiolocation system where transmission and reception are carried out at the same location, and which utilizes the reflecting or retransmitting properties of objects in order to determine their positions.

(x) *Telegraphy*. A system of telecommunication for the transmission of written matter by the use of a signal code.

(y) *Telemetering*. Automatic radiocommunication, in a fixed or mobile service, intended to indicate or record a measurable variable quantity at a distance.

(z) *Telephony*. A system of telecommunication set up for the transmission of speech or, in some cases, other sounds.

(aa) *Person*. The term "person" includes an individual, partnership, association, joint stock company, trust, or corporation.

(bb) *Station authorization*. The term "station authorization" refers to any construction permit, license, or special temporary authorization issued by the Commission to an applicant who has requested permission to construct, install, or operate a radio station.

§ 11.3 *Methods of operation*. Depending upon the eligibility status of particular persons or groups under this part and the frequency or frequencies being considered, several different types of radio service or methods of operation are permissible.

(a) *Mobile service operations*. Mobile service operations are of three principal types, as follows:

(1) *Intermobile operation*. This type of operation involves mobile stations communicating only with one another, on the same or different channels.

(2) *Dispatch operation*. This type of operation involves two-way radio communication between one or more base stations and mobile stations, for direction of the mobile units. Mobile units may transmit emergency communications, acknowledgements of orders from the base station; and information relating directly to the proper and efficient conduct of dispatch operations, but may not intercommunicate with one another

except in emergencies. A base station which is part of a dispatch system will be assigned one channel, and its associated mobile stations the other channel of a channel pair.

(3) *General mobile service operations*. This type of operation involves two-way radiocommunication between base and mobile stations, and between mobile stations communicating among themselves. This type of operation therefore includes both intermobile operation and dispatch operation. Either single frequency or two frequency operation may be employed.

(b) *Fixed service operations*. Fixed service operations are of three principal types, as follows:

(1) *Relay operations*. This type of operation involves radiocommunication between fixed points for the performance of specialized functions ancillary to proper performance of other radio stations or systems licensed under this part. A fixed station used to relay communications to another station for retransmission by the latter is termed a control station. A fixed station used to relay communications from mobile units to a central receiving point is termed a repeater station. A fixed station operating on one frequency and used to automatically retransmit communications received from any one of a group of mobile and fixed stations to all others of the group is termed a central relay station. Other fixed stations, performing relay functions to which the above terms are inapplicable, are referred to as relay stations.

(2) *Signalling operations*. This type of operation involves the one-way transmission of signals, either manually or automatically, for purposes other than the handling of general message traffic. Radiotelemetering and the control of remote objects or apparatus are examples of radio signalling operations. Stations used to perform signalling operations are generally fixed in location, although this is not mandatory.

(3) *General fixed service operation*. This type of operation involves radiocommunication, between two or more fixed points, for the handling of private correspondence.

#### SUBPART B—APPLICATIONS AND LICENSES

§ 11.51 *Station authorization required*. No radio transmitter shall be operated in the industrial radio services except under and in accordance with a valid station authorization granted by the Federal Communications Commission.

§ 11.52 *General restrictions; eligibility for station license*. A station license shall not be granted to or held by:

(a) Any alien or the representative of any alien;

(b) Any foreign government or the representative thereof;

(c) Any corporation organized under the laws of any foreign government;

(d) Any corporation of which any officer or director is an alien;

(e) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representative thereof; or any



corporation organized under the laws of a foreign country;

(f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by Aliens or their representatives; a foreign government or representatives thereof; or any corporation organized under the laws of a foreign government—if the Commission finds that the public interest will be served by the refusal or revocation of such license.

§ 11.53 *General restrictions; transfer and assignment of station authorization.* A radio station construction permit, license, or other station authorization; the frequencies authorized to be used by the grantee of such authorization; or the rights therein granted by such authorization shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of to any person, either directly or indirectly by transfer of control of any corporation holding such license, unless the Commission shall, after securing full information, decide that said transfer is in the public interest, and shall give its consent in writing. Requests for authority of the type referred to herein shall be obtained in the manner prescribed by § 11.57 (i).

§ 11.54 *Procedure for obtaining a radio station license.* (a) The first step toward obtaining a station license is the filing of an application for a construction permit in accordance with these rules. After the construction and installation is completed, a base or fixed station shall be tested in accordance with § 11.110, following which an application for station license shall be submitted in accordance with § 11.57 (d).

(b) In the case of mobile transmitters which are purchased as a complete packaged unit and used without modification, no tests are required and the application for license may be submitted simultaneously with the application for construction permit.

§ 11.55 *Method of application.* (a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to the industrial radio services are discussed in § 11.57, and may be obtained from the Washington, D. C., office of the Commission, or from any of its engineering field offices. The location of each field office is given in § 11.70. Concerning matters where no standard form is applicable, the procedure outlined in § 11.57 (j) should be followed.

(b) Any application for radio station authorization and all correspondence relating thereto shall be submitted to the Commission's office at Washington 25, D. C., and should be directed to the at-

tention of the Secretary. An application for commercial radio operator permit or license may be submitted to any of the Commission's engineering field offices, or to the Commission's office at Washington 25, D. C.

(c) Unless otherwise specified, an application shall be filed at least sixty days prior to the date on which it is desired that Commission action thereon be completed.

(d) Each application for station authorization shall be specific and complete with regard to station location, proposed equipment, power, antenna height, and operating frequency; and other information required by the application form.

(e) Unless otherwise specified in a particular case or for a particular form, each application shall be filed in duplicate.

§ 11.56 *Who may sign applications.* One copy of each application for an authorization shall be signed under oath or affirmation by the applicant if the applicant be an individual, or any one of the partners if an applicant be a partnership, by an officer if the applicant be a corporation, or by a member who is an officer if the applicant be an unincorporated association: *Provided, however,* That applications may be signed by the attorney for an applicant (a) in case of physical disability of the applicant, or (b) his absence from the continental United States. If it be made by a person other than the applicant, he must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the applicant.

§ 11.57 *Forms to be used—(a) Application for construction permit for stations at fixed locations.* A separate application for construction permit shall be submitted on FCC Form 401 for each station to be located at a fixed point. Such applications shall be accompanied by FCC Form 401a, in quadruplicate, in all cases when:

(1) The antenna and supporting structures proposed to be erected will exceed an overall height of 150 feet above ground level; or

(2) The antenna is to be located within 3 miles of a landing area and will exceed an over-all height of one foot above ground for each 100 feet of distance, or fraction thereof, from the nearest boundary of the landing area.

(b) *Description of antenna structure.* When required to be submitted, by the terms of paragraph (a) of this section, FCC Form 401a shall be submitted in quadruplicate. There shall be attached to each copy of the form a sketch showing the antenna and supporting structure as well as a map showing the location of the antenna, landing areas in the vicinity thereof, and all tall structures that may affect the marking of the antenna or supporting structure.

(c) *Application for construction permit for mobile station.* Application for construction permit for any number of mobile units in the same service may be combined and shall be submitted on FCC Form 401.

(d) *Application for station license.* Application for station license shall be

filed on FCC Form 403 upon completion of construction or installation in accordance with the terms and conditions set forth in the construction permit.

(e) *Application for modification of construction permit.* Separate application for modification of construction permit shall be submitted on FCC Form 401 for each station to be located at a fixed point. Application for modification of construction permit for any number of mobile units in the same service shall be submitted on FCC Form 401.

(f) *Application for modification of station license.* Application for modification of station license shall be submitted on FCC Form 403. A blanket application for modification of a group of station licenses of the same class may be submitted in those cases where the modification requested is the same for all stations covered by the application. The individual stations covered by such application shall be clearly identified therein.

(g) *Application for renewal of licenses.* Application for renewal of station license shall be submitted on FCC Form 405. A blanket application may be submitted for renewal of a group of station licenses in the same class. The individual stations covered by such applications shall be clearly identified thereon. Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license to be renewed.

(h) *Application for additional time to construct radio station.* FCC Form 701 shall be submitted to the Commission in duplicate, whenever it is necessary to request an extension of the time limit specified on a valid construction permit.

(i) *Application for consent to assignment of radio station construction permit or license.* Application on Form 702 shall be submitted to the Commission when the legal right to construct or to control the use and operation of a station is to be transferred as a result of a voluntary act (contract or other agreement) or an involuntary act (death or legal disability) of the grantee of a permit or station license, or by involuntary assignment of the physical property constituting the station under a court decree in bankruptcy proceedings, or other court order, or by operation of law in any other manner.

(j) *Informal application.* (1) Any application not submitted on a standard form prescribed by the Commission is considered to be an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and with the original signed under oath or affirmation. Each application shall be clear and complete within itself as to the facts presented and the action desired.

(2) An informal application for authority to operate transmitting equipment will be accepted only in case of an obvious emergency requiring immediate use of radio facilities. Each such informal application shall contain the following information:

- (i) Need for special action.
- (ii) Type of operation to be conducted.
- (iii) Purpose of operation.

(iv) Time and date of operation desired.

(v) If operation may continue longer than 90 days, a statement that formal application for construction permit will be filed immediately.

(vi) Class of station and nature of service.

(vii) Location of station.

(viii) Equipment to be used, specifying manufacturer, model number, and number of units.

(ix) Frequency(s) desired.

(x) Plate power input to final radio stage.

(xi) Type of emission.

Note: Sections 11.58 and 11.59 have been deleted from this subpart and added as §§ 11.355 and 11.356 under Subpart H.

§ 11.60 *Supplemental information required with applications for control, relay, or repeater stations.* (a) Each application for construction permit for a control, repeater, or relay station shall be accompanied by a map and supplemental statement containing, respectively, the information specified by paragraphs (b) and (c) of this section.

(b) The map shall show:

(1) The location of the proposed station.

(2) The location of all associated transmitters of the system.

(3) The location of all associated receivers of the system.

(4) The path and direction of transmission of each frequency used and proposed to be used, whether for transmitting or receiving.

(c) The supplemental statement shall contain a detailed description of the proposed system indicating how it will function and setting forth the need for the facilities requested. This statement shall indicate clearly the frequencies of all receivers that actuate the proposed transmitter(s) for the automatic retransmission of received signals. If a frequency below 952 Mc is requested for the proposed station, the statement shall indicate the reasons why wire line facilities are not feasible.

§ 11.61 *Change in equipment.* (a) Except as provided in paragraph (b) of this section, the licensee of a station in these services may make changes in licensed equipment without specific authorization from the Commission if such changes do not result in operation in violation of any term of the current authorization for the station involved.

(b) Requests for changes in licensed equipment which will result in operation in violation of any term of the current authorization for the station shall be submitted to the Commission on FCC Form 401.

(c) Prior authorization from the Commission is required before the following antenna changes may be made at a station at a fixed location:

(1) Any change which will increase the over-all antenna height;

(2) Any change which will increase the power gain of the antenna;

(3) Any change in location of an antenna which exceeds 150 feet in height;

(4) Any change in location of an antenna to a new site within 3 miles of a landing area for any height of antenna;

(5) Any change in height or location of an antenna or antenna supporting structure which is required to be marked in accordance with FCC or CAA specifications.

(d) Requests for changes outlined in paragraph (c) of this section shall be submitted to the Commission on FCC Form 401a in quadruplicate. The FCC Form 401a shall be accompanied by maps and sketches showing the proposed change in the antenna or antenna supporting structure. The original copy of FCC Form 401a, must be signed under oath or affirmation in accordance with § 11.56. If the antenna or antenna supporting structure is required to be marked, a description of the marking shall be attached to FCC Form 401a.

§ 11.62 *Partial grant.* Where the Commission, without a hearing, grants an application in part, or with any privileges, terms or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, file with the Commission a written request, rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and set the application for hearing in the same manner as other applications are set for hearing.

§ 11.63 *Defective applications.* (a) An application which is not prepared in accordance with the Commission's rules or other requirements will be considered defective unless accompanied by a request to waive the rule or other requirement with which the application is in conflict. The reasons which are believed to support such a request shall be set forth in detail.

(b) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) When an application is considered to be incomplete or defective, the Secretary of the Commission will return it to the applicant, unless the Commission may otherwise direct. The reason for return of the application will be indicated, and, if appropriate, necessary additions or corrections will be suggested.

§ 11.64 *Amendment or dismissal of applications.* Any application may be amended or dismissed without prejudice upon request of the applicant prior to the time the application is granted or designated for hearing. Each amendment to, or request for dismissal of an application shall be signed, authenticated, and submitted in the same manner and with the same number of copies as required for the original application. All related correspondence or other material which is to be considered as a part of an application already filed shall be submitted in the form of an amendment to the application concerned.

§ 11.65 *Construction period.* Each radio station construction permit issued

by the Commission will specify the date of grant at the earliest date of commencement of construction and installation, and a maximum of eight months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission in any particular case.

§ 11.66 *License term.* For all stations in the industrial radio services, the license period shall be as follows:

(a) Each station license will be issued for a term of from one to five years from the effective date of grant, the term varying as may be necessary to permit the orderly scheduling of renewal applications.

(b) Each station license normally will be renewed, upon proper application, for a term of four years from the effective date of renewal.

§ 11.67 *Coordinated service.* The shared use of base station or fixed station facilities by one or more persons eligible under this part for industrial authorizations is permitted, although only one person may be licensee. Licensees in the industrial service, however, shall not operate as communications common carriers. Contributions to capital and operating expenses on a cost-sharing basis may be accepted: *Provided*, That records are maintained and held available for inspection by Commission representatives which reflect the cost of the service and details with respect to the non-profit or cost-sharing nature of the operations. Each person whose mobile units receive coordinated service from a base station shall be the licensee of such units. All parties to the coordinated service arrangement shall have their names entered on the instrument of station authorization by the Commission, which may be accomplished by informal application.

§ 11.68 *Discontinuance of station operation.* In case of discontinuance of operation for a period of one year or more of the transmitting apparatus of a station in this service authorized at a fixed point, or in case of discontinuance for a period of one year or more of operation of all transmitter units listed in the license for a mobile station in these services, the licensee shall forward the station license to the Washington, D. C., office of the Commission for cancellation. A copy of the request for cancellation of the license shall be forwarded to the Commission's engineer in charge of the district in which the station is located.

§ 11.69 *Apparatus exempted from requirements of other rules.* (a) With respect to any apparatus which generates a radio frequency electromagnetic field, functionally utilizing a small part of such field in the operation of associated apparatus not physically connected thereto, and at a distance not greater than

$$\frac{\lambda m d a}{2 \pi l} \quad \text{or} \quad \frac{157,000}{f \cdot (k c)}$$

feet, the existing rules and regulations of the Commission shall not be applicable: *Provided*,



(1) That the provisions of this section shall not be construed to apply to any apparatus which causes interference to radio reception.

(2) That the apparatus shall be operated with the minimum power possible to accomplish the desired purpose.

(3) That the best engineering principles shall be utilized in the generation of radio frequency currents so as to guard against interference to established radio services, particularly on the fundamental and harmonic frequencies.

(4) That in any event the total electromagnetic field produced at any point a distance of

$$\frac{\lambda}{2\pi} \text{ or } \frac{157,000}{f. (\text{Kc.})}$$

feet from the apparatus shall not exceed fifteen microvolts per meter.

(5) That the apparatus shall conform to such engineering standards as may from time to time be promulgated by the Commission.

(6) Upon request, the Commission will inspect and test any apparatus proposed to be operated as set forth in this paragraph, and, on the basis of such inspection and test, formulate and publish findings as to whether such apparatus

does or does not comply with the above conditions, and issue a certificate specifying conditions of operation to the party making such request.

§ 11.70 *Location of engineering field offices.* For convenience of reference, the address of the engineer-in-charge of each of the Commission's twenty-three radio districts and the territory included within each district is listed in the table below. The principal offices of the Federal Communications Commission are located in the New Post Office Building, Thirteenth Street and Pennsylvania Avenue NW., Washington 25, D. C.

Radio district	Address of the engineer in charge	Territory within district	
		States, etc.	Counties
1	Federal Communications Commission, 1600 Customhouse, Boston 9, Mass.	Connecticut..... Maine..... Massachusetts..... New Hampshire..... Rhode Island..... Vermont..... New Jersey.....	All counties. Do. Do. Do. Do. Do. Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren.
2	Federal Communications Commission, 748 Federal Bldg., 641 Washington St., New York 14, N. Y.	New York.....	Albany, Bronx, Columbia, Delaware, Dutchess, Green, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Schoenectady, Suffolk, Sullivan, Ulster, and Westchester.
3	Federal Communications Commission, 1005 U. S. Customhouse, Philadelphia 6, Pa.	Delaware..... New Jersey..... Pennsylvania.....	Newcastle. Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem. Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Mercer, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York.
4	Federal Communications Commission, 508 Old Town Bank Bldg., Gay St. and Fallsway, Baltimore 2, Md.	Delaware..... District of Columbia..... Maryland..... Virginia..... West Virginia.....	East and Sussex. All. All counties. Arlington, Clark, Fairfax, Fauquier, Frederick, Loudoun, Page, Prince William, Rappahannock, Shenandoah, and Warren. Berkshire, Berkshire, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Martin, Mineral, Montgomery, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, and Upshur.
5	Federal Communications Commission Room 402, New Post Office Bldg., Norfolk 10, Va. Ship office: Federal Communications Commission, Room 108 U. S. Post Office Bldg., Newport News, Va.	North Carolina..... Virginia.....	All except District 6. All except District 4.
6	Federal Communications Commission, 411 Federal Annex, Atlanta 3, Ga.	Alabama..... Georgia..... North Carolina.....  South Carolina..... Tennessee.....	All except District 8. All counties. Autauga, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, and Yancey. All counties. Do.
7	Suboffice: FCO P. O. Box 77, 214-218 P. O. Bldg., Savannah, Ga. Federal Communications Commission, P. O. Box 150, 312 Federal Bldg., Miami 1, Fla. Suboffice: FCC 409-410 P. O. Bldg., Tampa 2, Fla.	Florida.....	All except District 8.
8	Federal Communications Commission, 400 Audubon Bldg., New Orleans 16, La.	Alabama..... Arkansas..... Florida..... Louisiana..... Mississippi..... Texas.....	Baldwin and Mobile. All counties. Escambia. All counties. All counties. City of Texas only.
9	Ship office: Federal Communications Commission 324 U. S. Courthouse and Customhouse Mobile 10, Ala. Federal Communications Commission 324 U. S. Appraisers Bldg., 7300 Wingate St., Houston 11, Tex. Suboffice: P. O. Box 1527, 329 P. O. Bldg., Beaumont, Tex. Ship office: FCC 408 Post Office Bldg., Galveston, Tex.	do.....	Angelina, Aransas, Atascosa, Austin, Bexar, Blanco, Brewster, Brea, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, DeWitt, Duval, Dimmit, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hartley, Hidalgo, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kendall, Kerr, Kinney, Kinzler, Leflore, Lavaca, Lee, Liberty, Live Oak, Matagorda, Madison, Maverick, McMullen, Medina, Montgomery, Neches, Newton, Nueces, Orange, Polk, Real, Refugio, San Augustine, San Jacinto, San Patricio, Sabina, Starr, Travis, Trinity, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Wilbrey, Williamson, Wilson, Zapata, Zavala, and Tyler.
10	Federal Communications Commission, P. O. Box 5238, 500 U. S. Terminal Annex, Dallas 2, Tex.	New Mexico..... Oklahoma..... Texas.....	All counties. Do. All except District 9 and the city of Texas.
11	Federal Communications Commission, 539 U. S. Post Office and Courthouse Bldg., Temple and Springs Sts., Los Angeles 12, Calif. Suboffice: Federal Communications Commission, 230 U. S. Customhouse and Courthouse Bldg., Union and F Sts., San Diego 1, Calif. Ship office: Room 326 U. S. Post Office and Courthouse Bldg., San Pedro, Calif.	Arizona..... California..... Nevada.....	All counties. Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura. Clark.
12	Federal Communications Commission, 323-A Customhouse, San Francisco 23, Calif.	California.....	All except District 11.
13	Federal Communications Commission, 408 Central Bldg., Portland 5, Oreg.	Nevada..... Idaho..... Oregon..... Washington.....	All except District 14. All counties. Wahkiakum, Cowlitz, Clark, Skamania, and Klickitat.
14	Federal Communications Commission, 801 Federal Bldg., Seattle 4, Wash.	Idaho..... Montana..... Washington.....	Benzel, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone. All counties. All except District 13.

## PROPOSED RULE MAKING

Radio district	Address of the engineer in charge	Territory within district	
		States, etc.	Counties
15	Federal Communications Commission, 521 Customhouse, Denver 2, Colo.	Colorado..... Utah..... Wyoming..... Nebraska..... South Dakota.....	All counties. Do. Do. Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scottsbluff, Sheridan, and Sioux. Butte, Ouster, Fall River, Lawrence, Meade, Pennington, Shannon, and Washington.
16	Federal Communications Commission, 203 Uptown P. O. and Federal Courts Bldg., 5th and Washington Sts., St. Paul 2, Minn.	Minnesota..... Michigan..... South Dakota..... North Dakota..... Wisconsin.....	All counties. Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft. All counties except District 15. All counties. All counties except District 18.
17	Federal Communications Commission, 838 U. S. Courthouse, Kansas City 6, Mo.	Iowa..... Kansas..... Missouri..... Nebraska.....	All except District 18. All counties. Do. All except District 15.
18	Federal Communications Commission, 246 U. S. Courthouse, Chicago 4, Ill.	Illinois..... Indiana..... Iowa..... Wisconsin.....	All counties. Do. Allamakee, Buchanan, Cedar, Clayton, Clinton, Delaware, Des Moines, Dubuque, Fayette, Henry, Jackson, Johnson, Jory, Lee, Linn, Louisa, Muscatine, Scott, Washington, and Winnebago. Brown, Columbia, Calumet, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Iowa, Jefferson, Kewaunee, Kenosha, Lafayette, Manitowish, Marinette, Milwaukee, Ozaukee, Oconto, Outagamie, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, Waukesha, and Winnebago.
19	Federal Communications Commission, 1029 New Federal Bldg., Detroit 28, Mich. Suboffice: Federal Communications Commission, 541 Federal Bldg., Cleveland 14, Ohio.	Kentucky..... do..... Ohio..... Michigan..... West Virginia..... New York..... Pennsylvania.....	All except District 19. Bath, Bell, Boone, Bourbon, Boyd, Bracken, Brathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Kenton, Harlan, Harrison, Jackson, Jessamine, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Wayne, Whitely, Wolfe, and Woodford. All counties. All except District 16. All except District 4. All except District 2. All except District 3.
20	Federal Communications Commission, 323 Post Office Bldg., Buffalo 3, N. Y.	Territory of Hawaii and outlying Pacific possessions, except Alaska and adjacent islands.	
21	Federal Communications Commission, 609 Stagenwald Bldg., Honolulu 1, T. H.	Puerto Rico..... Virgin Islands.....	
22	Federal Communications Commission, Post Office Box 2987, 322-323 Federal Bldg., San Juan 13, P. R.	Alaska.....	
23	Federal Communications Commission, Post Office Box 1421, 7-8 Shattuck Bldg., Juneau, Alaska. Suboffice: Federal Communications Commission, Post Office Box 644, Room 53, U. S. Post Office Bldg., Anchorage, Alaska.		

## SUBPART C—INSTALLATION, PERFORMANCE, AND MAINTENANCE OF EQUIPMENT

§ 11.101 *Assignment of frequencies.* The frequencies allocated for use by stations in these services are listed in sections of the rules concerning the particular service involved. All applicants for, and licensees of, stations in these services are required to cooperate in the selection and use of the designated frequencies, to minimize interference and to make the most effective use of the frequencies assigned. Each frequency available for assignment to stations in these services is available on a shared basis only, and will not be assigned for the exclusive use of any one licensee. The use of any frequency may be restricted to one or more specified geographical areas.

§ 11.102 *Assigned frequency and authorized channel width.* (a) Each frequency assigned to a station is the midpoint of a frequency channel within which the station is authorized to operate.

(b) The width of the authorized frequency channel varies in accordance with the following tabulation:

Frequency range:	Authorized channel width (kc)
1.6 to 3 Mc.....	4
3 to 6 Mc.....	5

Frequency range—Con.	Authorized channel width (kc)
25 to 100 Mc.....	40
100 to 216 Mc.....	60
Above 216 Mc: To be specified in authorization.	

NOTE: In the bands 1.6–3.0 Mc and 3–6 Mc an 8 kc. bandwidth is permitted when A3 emission is authorized.

§ 11.103 *Frequency stability.* (a) A permittee or licensee in these services shall maintain the carrier frequency of each authorized transmitter within the following percentage of the assigned frequency, except as provided in paragraphs (b) and (c) of this section:

Frequency range:	Frequency tolerance (percent)
Below 50 Mc.....	0.01
From 50–216 Mc.....	0.05
Above 216 Mc: To be specified in authorization.	

(b) The licensees of mobile units using amplitude modulation may, until July 1, 1950, maintain the carrier frequency of such units in accordance with the following tabulation in lieu of the tabulation in paragraph (a) of this section.

Frequency range:	Frequency tolerance (percent)
Above 40 Mc.....	0.01
30–40 Mc.....	0.03
Below 30 Mc.....	0.02

(c) For transmitters authorized to operate as mobile stations with a maximum plate power input to the final radio stage of 3 watts or less, the frequency shall be maintained within the limits of the authorized channel in lieu of the requirements in paragraphs (a) and (b) of this section.

§ 11.104 *Types of emission.* In these services, stations may be authorized to use one or more of the following types of emission: A-1, A-2, A-3 and A-4; and special emission for frequency modulation (a) for telephony, and (b) for operation of signalling, calling and similar devices which function only as an adjunct to the establishment or maintenance of radiotelephone communications. An application involving one or more of the above types of emission need only list the types desired; but an application involving use of any other type emission shall fully describe the type of emission desired, including the bandwidth occupied by the signal.

§ 11.105 *Emission outside the authorized channel.* (a) Except for side band components developed by frequency modulation, emission of each transmitter outside of the authorized channel shall be attenuated below the maximum level of emissions within the authorized

channel in accordance with the following table:

Maximum authorized plate power input to the final radio stage	Attenuation (db)
3 watts or less	40
Over 3 watts up to and including 150 watts	60
Over 150 watts up to and including 600 watts	70
Over 600 watts	80

All measurements are to be made by the Lossy Line Method at the rated transmitter load impedance.

(b) The emission limitations stated in paragraph (a) of this section shall apply to all transmitters authorized to be installed on or after January 1, 1949.

(c) When emissions outside the authorized channel result in interference, the Commission may in its discretion require appropriate technical changes in equipment to alleviate the interference.

#### § 11.106 Modulation requirements.

(a) When amplitude modulation is used, the modulation shall be sufficient to provide efficient communication, but shall not exceed 100 percent on negative peaks.

(b) When frequency modulation is used, the positive or the negative deviation arising from modulation plus the deviation of the carrier from the assigned frequency due to frequency instability shall not exceed one-half the authorized channel width.

(c) Each transmitter installation authorized after July 1, 1950 shall be provided with a device which will automatically prevent modulation in excess of that specified in paragraphs (a) and (b) of this section which may be caused by greater than normal audio level; *Provided*, That this requirement shall not be applicable to transmitters authorized to operate as mobile stations with a maximum plate power input to the final radio stage of 3 watts or less.

#### § 11.107 Power and antenna height.

(a) The power and antenna height which may be used by a station in these services shall be no more than the minimum required for satisfactory technical operation commensurate with the size of the area to be served and local conditions which affect radio transmission and reception. The field intensity authorized for a station in a given geographical area may be restricted by the Commission.

(b) Except where the power that may be used on a designated frequency is specifically limited, plate power input to the final radio stage in excess of the following tabulation will not be authorized unless the applicant submits a map showing the area to be covered and, in addition, results of field intensity measurements in the area involved, or other comparable engineering data acceptable to the Commission, which clearly show the need for higher power.

Frequency:	Maximum plate power input to the final radio stage (watts)
1.6-10 Mc	2,000
25-100 Mc	500
Above 100 Mc	600

§ 11.108 Transmitter control requirements. (a) Each transmitter shall be so installed and protected that it is not ac-

cessible to or capable of operation by any persons other than those duly authorized by the licensee.

(b) In these services each station at a fixed location shall be provided with at least one control point, and may be provided with any number of dispatch points or none at all. As used in this section, a control point is any transmitter operating position which meets all of the following requirements:

(1) The operating position must be under the control and supervision of the licensee;

(2) It is a position at which the monitoring facilities required by this section are installed;

(3) It is a point at which a licensed operator responsible for the operation of the transmitter is stationed.

(c) As used in this section, a dispatch point means any operating position that does not comply with all of the above requirements. Prior authority from the Commission is required for the installation of a control point. Dispatch points may be installed without authorization from the Commission. Means shall be provided whereby each dispatch point is placed under the operational supervision of one or more control points.

(d) When the operating position and the transmitter are not housed in the same building, the control circuits are to be so installed that grounding either side of the circuit or a short across the circuit will not cause the transmitter to radiate.

(e) At each control point for a station at a fixed location, the following facilities shall be installed:

(1) A carrier operated device which will provide continuous visual indication when the transmitter is radiating; or, in lieu thereof, a device which will provide continuous visual indication when the transmitter control circuits have been placed in a condition to produce radiation;

(2) Equipment to permit the operator to aurally monitor all transmissions originating at dispatch points under his supervision;

(3) Facilities which will permit the operator either to disconnect the dispatch point circuits from the transmitter or to render the transmitter inoperative from any dispatch point under his supervision; and

(4) Facilities which will permit the operator to turn the transmitter carrier on and off at will.

#### § 11.109 Transmitter measurements.

(a) The licensee of each station shall employ a suitable procedure to determine that the assigned frequency of each transmitter is maintained within the tolerance prescribed in these rules. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may affect the operating frequency or the stability thereof;

(3) At intervals not to exceed six months, for transmitters employing crystal-controlled oscillators;

(4) At intervals not to exceed one month, for transmitters not employing crystal-controlled oscillators.

(b) The licensee of each station shall employ a suitable procedure to determine that the plate power input to the final radio stage of each land station transmitter does not exceed the maximum figure specified on the current instrument of authorization. Where the transmitter is so constructed that a direct measurement of plate current in the final radio stage is not practicable, the plate input power may be determined from a measurement of the cathode current in the final radio stage. When the plate input to the final radio stage is determined from a measurement of the cathode current, the required record entry shall clearly indicate the quantities that were measured, the measured values thereof, and the method of determining the plate power input from the measured values. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may increase the transmitter power output;

(3) At intervals not to exceed six months.

(c) The licensee of each station shall employ a suitable procedure to determine that the carrier modulation does not exceed the limits specified in this part. This determination shall be made and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may affect the modulation of the carrier;

(3) At intervals not to exceed six months.

(d) The determinations required by paragraphs (a), (b) and (c) of this section may, at the option of the licensee, be made by any qualified engineering measurement service, in which case, the required record entries shall show the name and address of the engineering measurement service as well as the name of the person making the measurements.

(e) In the case of transmitters in mobile units, the determinations required by paragraphs (a) and (c) of this section may be made at a test or service bench in lieu of in the mobile unit itself: *Provided*, The measurements are made under load conditions equivalent to actual operating conditions: *And provided further*, That after installation in the mobile unit, the transmitter is given a routine check to determine that its emissions are capable of being satisfactorily received by an appropriate receiver.

#### § 11.110 Radio station tests; equipment, service, and maintenance—(a) Equipment tests.

Upon completion of construction of a radio station in exact accordance with the term of the construction permit, the technical provisions of the application therefor and the rules and regulations governing the station,

and prior to filing of application for license, the permittee is authorized to test the equipment for a period not to exceed 10 days: *Provided*, That the engineer in charge of the district in which the station is located is notified two days in advance of the beginning of tests and the permittee is not notified by the Commission to cancel, suspend or change the date for the period of such tests.

(b) *Service tests*. When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations governing the station, and after an application for station license has been filed with the Commission showing the transmitter to be in satisfactory operating condition, the permittee is authorized to conduct service tests in exact accordance with the terms of the construction permit until final action is taken on the application for license: *Provided*, That the engineer in charge of the district in which the station is located is notified two days in advance of the beginning of such tests and the permittee is not notified by the Commission to cancel, suspend or change the date for the period of such tests.

(c) *Maintenance tests*. Any station may be tested as may be required for proper maintenance of the equipment. All necessary precautions shall be taken to avoid interference with other stations and the test time shall be kept at a minimum.

#### SUBPART D—STATION OPERATION

##### § 11.151 *Permissible communications*.

(a) Communications considered essential to safety of life or protection of important property may be transmitted subject to the limitation that all such communications shall be restricted to the minimum practicable transmission time.

(b) Communications considered essential to the conduct of the enterprise in which the license is engaged, other than those included in paragraph (a) of this section, may be transmitted in accordance with the following:

(1) All communications shall be restricted to the minimum practicable transmission time.

(2) Each mobile station is authorized to intercommunicate with other mobile stations licensed under this part, and with base stations licensed under this part, but may not intercommunicate with other stations authorized to operate only at a fixed location.

(3) Each base station may intercommunicate with mobile stations licensed under this part.

(4) Each base station may communicate with another station which is authorized to operate at a fixed location, only in case of temporary disruption of normal intercommunication facilities, pending repair thereof, or to relay information to mobile units in the vicinity of another station.

(5) Each fixed station is restricted to transmissions directed to fixed receivers only.

(c) In those cases which require cooperation or coordination of activities, stations licensed under this part may

communicate with stations in other services, and with U. S. Government stations.

(d) The licensee of any station in these services may, during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service by communicating in a manner other than that specified in the station license: *Provided*, (1) That as soon as possible after the beginning of such emergency use notice be sent to the Commission in Washington, D. C., and to the Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put, and (2) That the emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available and the Commission in Washington, D. C., and the Engineer in Charge be notified immediately when such special use of the station is terminated. The Commission may at any time order the discontinuance of such service.

§ 11.152 *Station identification*. (a) Each station in these services which is capable of being identified by transmission of its assigned call signal shall transmit such call signal at the end of each transmission or exchange of transmissions, or once each fifteen minutes of the operating period, as the licensee may prefer.

(b) In lieu of the requirement of paragraph (a) of this section, mobile units communicating with a base station which transmits on the same frequency may transmit, once during each exchange of transmissions, any unit identifier which is on file in the station records of such base station.

(c) In lieu of the requirement of paragraph (a) of this section, mobile units communicating with a base station which transmits on a different frequency may transmit, once during each exchange of transmissions, any unit identifier which is on file in the station records of such base station and the assigned call signal of either the mobile station or the base station.

(d) Repeater, relay, and telemetering stations are exempt from the requirements of this paragraph unless otherwise provided in the instrument of station authorization. Other stations which are entirely automatic in their operation, including automatic modulation of the carrier, will be considered for exemption in specific instances, upon request.

§ 11.153 *Suspension of transmissions required*. The radiations of the transmitter shall be suspended immediately upon detection or notification of a deviation from the technical requirements of the station authorization until such deviation is corrected, except for transmissions concerning the immediate safety of life or property, in which case the transmissions shall be suspended as soon as the emergency is terminated.

§ 11.154 *Installation of mobile units in private vehicles*. A mobile radio station, or transmitter unit thereof, licensed

in these services, may not be installed or maintained in a vehicle, aircraft or vessel unless the operation of such transmitter is at all times under the control of the licensee.

§ 11.155 *Operator requirements*. (a) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph, and such person shall be responsible for the proper functioning of the station equipment.

(b) Each transmitter shall be operated in the manner prescribed in this paragraph, except for such operation as may come within the provisions of paragraph (a) of this section.

(1) All stations transmitting by manual radiotelegraphy shall be operated during the course of such transmissions by persons holding any class of commercial radiotelegraph operator license or permit. The use of radio teleprinter or radio teletype is not considered to be manual operation.

(2) Mobile stations operating on frequencies above 25 Mc and not coming within the provisions of subparagraph (1) of this paragraph may be operated by unlicensed persons authorized to do so by the station licensee.

(3) Mobile stations operating on frequencies up to and including 25 Mc and not coming within the provisions of subparagraph (1) of this paragraph shall be operated by a person holding any class of commercial radio operator license or permit issued by the Commission: *Provided, however*, That mobile stations associated with, and licensed to the same licensee as a base station, may, while under the operational control of such base station, be operated by unlicensed persons authorized to do so by the licensee.

(4) Fixed stations and base stations not coming within the provisions of subparagraph (1) of this paragraph shall be operated in accordance with the following:

(i) From a control point, fixed or base stations shall be operated by persons holding any class of commercial radio operator license or permit issued by the Commission.

(ii) From a dispatch point, fixed or base stations may be operated by unlicensed persons (authorized to do so by the licensee of the fixed or base station or by the licensee of any mobile unit receiving coordinated service via such dispatch point) but such operation shall be under the direct supervision and responsibility of a person who (a) holds any class of commercial radio operator license or permit issued by the Commission, and who (b) is on duty at a control point meeting the requirements of § 11.108.

(5) Repeater, relay, and telemetering stations are exempt from the requirements of this paragraph unless otherwise provided in the instrument of station authorization. Other stations

which are entirely automatic in their operation, including automatic modulation of the carrier, will be considered for exemption in specific instances, upon request.

(6) Notwithstanding any other provisions of this paragraph, a station located on any ship or aircraft; or being operated from any location outside the continental United States, its territories, or possessions; or in communication with any station located outside the limits of the continental United States, its territories, or possessions; or in communication with a station licensed by any government other than the United States Government shall be operated by a person holding the proper class of commercial operator license issued by the Commission.

(7) The provisions of this paragraph authorizing certain unlicensed persons to operate mobile stations shall not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain control over the stations licensed to them (including all transmitter units thereof) or for the proper functioning and operation of those stations (including all transmitter units thereof) in accordance with the terms of the licenses of those stations.

(8) Notwithstanding any other provisions of this paragraph, unless the transmitter is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, such transmitter shall be operated by a person holding a first or second class commercial radio operator license (either radiotelephone or radiotelegraph as may be appropriate for the type of emission being used), issued by the Commission.

(c) Any reference in this section to a commercial radio operator license or permit issued by the Commission shall not be construed to include Aircraft Radiotelephone Operator Authorizations.

§ 11.156 *Posting of operator license.* The original license of each base or fixed station operator shall be posted or kept immediately available where he is on duty as operator: *Provided, however,* That if the operator on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from the diploma form) or uses as his operating authority a license verification card (FCC Form 758-F) he shall keep such authorization in his personal possession.

§ 11.157 *Transmitter identification card and posting of station license.* (a) The current authorization for each mobile station shall be retained as a permanent part of the station record, but need not be posted. An executed Transmitter Identification Card (FCC Form No. 452-C, Revised) shall be affixed to each mobile transmitter or associated control equipment. When the transmitter is not in view of and readily accessible to the operator, it is preferred that the identification card be affixed to the control equipment at the transmitter operating position. The following information

shall be entered on the card by the permittee or licensee:

(1) Name of permittee or licensee;  
(2) Station call signal assigned by the Commission;

(3) Exact location or locations of the transmitter records;

(4) Frequency or frequencies on which the transmitter to which attached is adjusted to operate; and

(5) Signature of the permittee or licensee, or a designated official thereof.

(b) The current authorization for each base or fixed station shall be posted at the principal control position of that station. At all other control points listed on the station authorization, a photocopy of the authorization shall be posted. In addition, an executed Transmitter Identification Card (FCC Form No. 452-C, Revised) shall be affixed to each transmitter operated at a fixed location, when such transmitter is not in view of, and readily accessible to, the operator at the principal control position.

§ 11.158 *Inspection of stations.* All stations and records of stations in these services shall be made available for inspection at any time while the station is in operation or shall be made available for inspection upon reasonable request of an authorized representative of the Commission.

§ 11.159 *Inspection of tower lights and associated control equipment.* The licensee of any station in these services which has an antenna or antenna supporting structure required to be illuminated by the terms of the station authorization:

(a) Shall make a daily check of the tower lights either by visual observation of the tower lights or by observation of an automatic indicator of proper or improper operation to insure that all such lights are functioning properly;

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of Civil Aeronautics Administration any observed failure of a code or rotating beacon light not corrected within thirty minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination; and

(c) Shall inspect at intervals of at least once each three months all code or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly.

§ 11.160 *Answers to notices of violations.* Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, Executive order, treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgment made within such 3-day period, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each

notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to some violation that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, are taken to prevent future violations, and if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification as will permit ready reference. If the notice of violation relates to incompetent maintenance resulting in improper operation of the transmitter, the name and license number of the operator performing the maintenance shall be given. If the notice of violation relates to some lack of attention to or improper operation of the transmitter by other employees, the reply shall set forth the steps taken to prevent a recurrence of such lack of attention or improper operation.

§ 11.161 *Content of station records.* Each licensee of a station in these services shall maintain records showing:

(a) For all stations, the results and dates of the transmitter measurements required by § 11.103, and the name of the person or persons making the measurements.

(b) For all stations, when service or maintenance duties are performed which may affect their proper operation, the responsible operator shall sign and date an entry in the station record concerned, giving:

(1) Pertinent details of all duties performed by him or under his supervision;

(2) His name and address; and

(3) The class, serial number, and expiration date of his license: *Provided, however,* That the information called for under this subparagraph and subparagraph (2) of this paragraph, so long as it remains unchanged, is not required to be repeated in the case of a person who is regularly employed as operator on a full-time basis at the station.

(c) For base stations and fixed stations only, the name or names of persons responsible for the operation of the transmitting equipment each day, together with the period of their duty.

(d) For base stations only, when they communicate with other base stations or with fixed stations:

(1) Call signal of other station;

(2) Nature of such communications; and

(3) Date, time, and approximate duration of each transmission.

(e) When a base station or fixed station has an antenna or antenna supporting structure which is required to be illuminated, appropriate entries shall be made as follows:

(1) The time the tower lights are turned on and off each day if manually controlled.

(2) The time the daily check of proper operation of the tower lights were made, either by visual observation of the tower



lights or by observation of an automatic indicator.

(3) In the event of any observed failure of a tower light:

(i) Nature of such failure.  
(ii) Date and time the failure was observed.

(iii) Date, time and nature of the adjustments, repairs, or replacements made.

(iv) Identification of Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required by § 11.159:

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, together with the socket voltages measured under load at the sockets or computed from measurements under load at other points.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements or repairs were made.

§ 11.162 *Form of station records.* The records shall be kept in an orderly manner, and in such detail that the data required are readily available. Key letters or abbreviations may be used if proper meaning or explanation is set forth in the record.

§ 11.163 *Station records, by whom kept.* Each entry in the records of each station shall be signed by a person qualified to do so, having actual knowledge of the facts to be recorded.

§ 11.164 *Correction of station records.* No record or portion thereof shall be erased, obliterated, or wilfully destroyed within the required retention period. Any necessary correction may be made only by the person originating the entry, who shall strike out the erroneous portion, initial the correction made and indicate the date of correction.

§ 11.165 *Station record retention period.* Records required by this part shall be retained by the licensee for a period of at least one year.

#### SUBPART E—POWER RADIO SERVICE<sup>1</sup>

§ 11.201 *Eligibility.* Authorizations for stations to be operated in the power radio service will be issued only to persons who are engaged in generating, transmitting, collecting, purifying, storing, or distributing by means of wirelines or pipelines, electrical energy, artificial or natural gas, water, or steam for use by the public, or by the members of a cooperative organization.

§ 11.202 *Frequencies available for base and mobile stations.* (a) The following frequencies are available for assignment

to base and mobile stations in the Power Radio Service only:

Mc	Mc	Mc	Mc
27.80	37.66	47.90	48.24
27.82	37.70	47.92	48.26
27.84	37.74	47.94	48.28
27.86	37.78	47.96	48.30
27.88	37.82	47.98	48.32
27.40	37.86		48.34
27.42		48.00	48.36
27.44	47.68	48.02	48.38
27.46	47.70	48.04	48.40
27.48	47.72	48.06	48.42
27.50	47.74	48.08	48.44
27.52	47.76	48.10	
	47.78	48.12	153.41
37.46	47.80	48.14	153.47
37.50	47.82	48.16	153.53
37.54	47.84	48.18	153.59
37.58	47.86	48.20	153.65
37.62	47.88	48.22	153.71

(b) Upon the making of a showing that all usable frequencies listed in paragraph (a) of this section are being used to capacity in the local area concerned, the shared use of one or more of the frequencies listed in §§ 11.352 and 11.353 may be made available subject to the limitations and conditions set forth therein.

§ 11.203 *Frequencies available for fixed stations.* The frequencies listed in § 11.354 are available for assignment to fixed stations in the power radio service subject to the limitations and conditions set forth in that section.

#### SUBPART F—PETROLEUM RADIO SERVICE<sup>1</sup>

§ 11.251 *Eligibility.* Authorizations for stations to be operated in the petroleum radio service will be issued only to persons who are engaged in prospecting for, producing, collecting, refining, or transporting by means of pipe lines, petroleum or petroleum products (including natural gas)

§ 11.252 *Frequencies available for base and mobile stations.* (a) The following frequencies are available for assignment to base and mobile stations in the petroleum radio service on a shared basis with stations in the forest, products radio service:

Mc	Mc	Mc	Mc
25.02	33.18	48.64	48.96
25.04	33.22	48.66	48.98
25.06	33.26	48.68	
25.08	33.30	48.70	49.00
25.10	33.34	48.72	49.02
25.12	33.38	48.74	49.04
25.14		48.76	49.06
25.16	48.46	48.78	49.08
25.18	48.48	48.80	49.10
25.20	48.50	48.82	49.12
25.22	48.52	48.84	49.14
25.24	48.54	48.86	49.16
25.26	48.56	48.88	49.18
25.28	48.58	48.90	49.20
25.30	48.60	48.92	49.22
25.32	48.62	48.94	49.24

(b) Upon the making of a showing that all usable frequencies listed in paragraph (a) of this section are being used to capacity in the local area concerned, the shared use of one or more of the frequencies listed in §§ 11.352 and 11.353 may be made available, subject to the limitations and conditions set forth therein.

§ 11.253 *Frequencies available for fixed stations.* The frequencies listed in § 11.354 are available for assignment to

fixed stations in the petroleum radio service subject to the limitations and conditions set forth in that section.

#### SUBPART G—FOREST PRODUCTS RADIO SERVICE<sup>1</sup>

§ 11.301 *Eligibility.* Authorization for stations to be operated in the forest products radio service will be issued only to persons engaged in tree logging, tree farming, or related woods operations.

§ 11.302 *Frequencies available for base and mobile stations.* (a) The following frequencies are available for assignment to base and mobile stations in the forest products radio service on a shared basis with stations in the petroleum radio service:

Mc	Mc	Mc	Mc
25.02	33.18	48.64	48.96
25.04	33.22	48.66	48.98
25.06	33.26	48.68	
25.08	33.30	48.70	49.00
25.10	33.34	48.72	49.02
25.12	33.38	48.74	49.04
25.14		48.76	49.06
25.16	48.46	48.78	49.08
25.18	48.48	48.80	49.10
25.20	48.50	48.82	49.12
25.22	48.52	48.84	49.14
25.24	48.54	48.86	49.16
25.26	48.56	48.88	49.18
25.28	48.58	48.90	49.20
25.30	48.60	48.92	49.22
25.32	48.62	48.94	49.24

(b) Upon the making of a showing that all usable frequencies listed in paragraph (a) of this section are being used to capacity in the local area concerned, the shared use of one or more of the frequencies listed in §§ 11.352 and 11.353 may be made available, subject to the limitations and conditions set forth therein.

§ 11.303 *Frequencies available for fixed stations.* The frequencies listed in § 11.354 are available for assignment to fixed stations in the forest products radio service subject to the limitations and conditions set forth in that section.

#### SUBPART H—SPECIAL INDUSTRIAL RADIO SERVICE<sup>1</sup>

§ 11.351 *Eligibility.* The following persons are eligible to hold station authorizations in this service:

(a) Persons engaged in commercial or industrial operations which are predominantly rural in nature, as, for example, persons engaged in farming, ranching, irrigation, mining, and construction activities. Such persons may be authorized radio systems involving the following methods of operation:

- (1) Intermobile operation.
- (2) Dispatch operation.
- (3) General mobile service operation.
- (4) Fixed relay operation.
- (5) Fixed signalling operation.
- (6) General fixed service operation.

(b) Persons engaged in commercial or industrial operations which involve an element of hazard to life or property, and who, by employing radiocommunication, may decrease such hazard. Such persons may be authorized radio systems involving the following methods of operation:

- (1) Intermobile operation.
- (2) Dispatch operation.
- (3) General mobile service operation.

<sup>1</sup> Subparts A, B, C, and D of this part are incorporated herein by reference.



- (4) Fixed relay operation.  
 (5) Fixed signalling operation.  
 (6) General fixed service operation.

(c) Persons engaged in commercial or industrial operations which react directly upon the public welfare or security, as, for example, the activities of doctors, ambulance services, private protective patrols, and maintenance and repair services directly involving public health or well-being. Such persons are eligible only for radio systems involving dispatch operation.

(d) Persons engaged in any commercial or industrial enterprise regardless of eligibility elsewhere under this part. Such persons are eligible for radio systems involving low power operations as described in § 11.352.

§ 11.352 *Frequencies available for low power operations.* (a) All stations authorized for low power operations under this section will be classified and licensed as mobile stations. Such stations, however, need not necessarily be moved or used while in motion. To permit low power mobile stations to communicate with one another with a minimum of interference, four frequencies are provided for the exclusive use of such stations, as follows:

Mc	Mc
33.14	42.98
35.02	43.02

(b) Use of any frequency listed in paragraph (a) of this section is granted subject to compliance with the following conditions and limitations:

(1) Plate power input to the final radio stage of each transmitter shall not exceed three watts.

(2) The maximum distance between transmitter and antenna shall not exceed three feet.

(3) The use of an antenna having a power gain greater than unity is prohibited.

(4) Transmitters licensed for operation on these frequencies shall not be operated by remote control.

(5) Repeater, control or relay stations shall not be associated with transmitters licensed for operation on these frequencies.

(6) Stations licensed for operation on these frequencies shall not be used to communicate with stations operating on other frequencies.

§ 11.353 *Frequencies available for base and mobile stations.* Frequencies listed in the following paragraphs are available for assignment to base and mobile stations in the special industrial radio service on a shared basis with other stations in the industrial radio services.

(a) The following frequencies are available for assignment to base and mobile stations for use in radio dispatching systems only:

Base stations only		Mobile stations only	
Mc	Mc	Mc	Mc
35.06	152.75	43.06	158.01
35.10	152.81	43.10	158.07
35.14	152.87	43.14	158.13
35.18	152.93	43.18	158.19

(b) The following frequencies are available for assignment to base and

mobile stations for all types of mobile service operation:

Mc	Mc	Mc	Mc
1602	30.70	49.63	49.63
1628	30.74	49.64	49.60
1652	30.78	49.68	49.62
1676	30.82	49.68	49.64
1700		49.60	49.60
2292	49.28	49.62	49.63
4637.5	49.28	49.64	
	49.30	49.60	162.69
	49.32	49.63	163.05
29.72	49.34	49.70	163.11
29.74	49.36	49.73	163.17
29.76	49.38	49.74	163.23
29.78	49.40	49.76	163.23
29.80	49.42	49.78	163.35
	49.44	49.80	164.49
30.58	49.46	49.82	164.57
30.62	49.48	49.84	163.25
30.66	49.50	49.86	163.31

(c) The following frequencies are available for assignment to base and mobile stations for all types of mobile service operation, but on an experimental basis only:

Mc	Mc	Mc	Mc
456.05	456.65	457.05	457.65
456.15	456.65	457.15	457.65
456.25	456.75	457.25	457.75
456.35	456.85	457.35	457.85
456.45	456.95	457.45	457.95

(d) Frequencies in the bands listed below are available for assignment to base and mobile stations for all types of mobile service operation, but on an experimental basis only; the exact frequency, or the authorized channel, will be specified in the authorization.

Mc	Mc
2450-2500	6425-6575
3500-3700	11700-12200

NOTE: Use of frequencies in the band 2450-2500 Mc is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequency 2450 Mc.

§ 11.354 *Frequencies available for fixed stations.* (a) Subject to the showing required by § 11.355 or § 11.356, the following frequencies are available for assignment to fixed stations in the special industrial radio service on a shared basis with other fixed stations in the industrial radio services:

Mc	Mc	Mc	Mc
1602	1700	*23.72	*23.78
1628	2292	*23.74	*23.80
1652	4637.5	*23.76	
1676			

(b) Subject to the condition that no interference will be caused to the operation of the television broadcasting service, the following additional frequencies are available for assignment to fixed stations:

Mc	Mc	Mc	Mc
72.06	72.34	72.60	75.68
72.10	72.42	75.42	75.62
72.18	72.46	75.46	75.66
72.22	72.54	75.50	
72.30	72.58	75.54	

(c) Frequencies in the bands listed below are available for assignment to

\* Use of these frequencies by fixed stations is subject to the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

fixed stations on an experimental basis only; the exact frequency, or the authorized channel, will be specified in the authorization.

Mc	Mc
952-960	6375-6375
1850-1850	12200-12700
2110-2200	16000-18300
2450-2500	26000-30000
2500-2700	

NOTE: Use of frequencies in the bands 2450-2500, and 17850-18000 Mc is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 2450 and 16000 Mc.

§ 11.355 *Showing required for assignment of frequencies between 25 and 50 Mc.* (a) Each application to operate a fixed or base radio station on a frequency between 25 and 50 Mc shall be accompanied by a satisfactory showing of need for such frequency. *Provided, however,* That the provisions of this section shall not apply to the frequencies listed under § 11.352.

(b) The showing required in paragraph (a) of this section may include any or all of the following factors:

(1) *Coverage factors.* A statement to the effect that a frequency above 50 Mc will not give the desired coverage and supported by a contour map outlining the area to be served and indicating all important topographical details, and the results of a field intensity survey or other comparable data demonstrating that the area to be served cannot be adequately covered using a frequency above 50 Mc.

(2) *Operational factors.* A statement explaining existing operational requirements which would make the installation of equipment operating on frequencies above 50 Mc unsuitable. Need for establishment of a coordinated radiocommunication network may be considered an operational factor.

(3) *Other factors.* Statement of any other reason, not shown under subparagraphs (1) or (2) of this paragraph, which, in the opinion of the applicant, makes installation and operation of equipment on frequencies above 50 Mc unsuitable.

§ 11.356 *Showing required for assignment of frequencies between 1.6 and 6.0 Mc.* (a) Each application to operate a radio station on a frequency between 1.6 and 6.0 Mc shall be accompanied by a satisfactory showing of need for such frequency.

(b) The showing required by paragraph (a) of this section shall include the following:

(1) Data indicating that long distance communications are essential due to the remote location of the area of operations and due to the unavailability and excessive cost of installation of other forms of communication.

(2) Data indicating that frequencies above 25 Mc would not give a sufficiently extended range of coverage.

(3) Data indicating that the proposed installation will materially increase the safety of operations at the remote location.

[F. R. Doc. 48-5455; Filed, June 22, 1948; 8:50 a. m.]

## [47 CFR, Parts 16, 17]

## LAND TRANSPORTATION RADIO SERVICES

## NOTICE OF PROPOSED RULE MAKING

In the matter of general mobile radio service (Docket Nos. 8658)

In the matter of promulgation of new Part 16—Rules governing the land transportation radio services (Docket No. 9047)

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Upon consideration of the record in Docket 8658, the Commission proposes to provide for radio communication to be used in connection with the operation of public taxicabs, common carrier intercity busses and common carrier intercity trucks. It is proposed to revise Part 16, Railroad Radio Service, to include these new services and to redesignate the part as Land Transportation Radio Services. It is further proposed to transfer to the revised Part 16 another existing transportation facility now provided for in the utility radio service (Part 17) namely, the facilities for use in connection with public transit operations in urban areas. The revised Part 16 would then include subparts for railroad radio service and urban transit radio service, and the present Part 16, as well as §§ 17.711 through 17.714 of Part 17, would be deleted.

3. It will be proposed, in appropriate rule making proceedings relating to an industrial service and a proposed public radio mobile service, that radio-communication service be provided for certain additional general mobile operations now conducted on an experimental basis.

4. Authority to issue the proposed rules is contained in sections 301 and 303 (a) (c), (e), (f) and (r) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed rules should not be adopted, or should not be adopted in the form set forth below, may file with the Commission or on before July 12, 1948, a statement or brief setting forth his comments. At the same time persons favoring the rules as proposed may file statements in support thereof. The Commission will consider all such comments that are presented before taking final action in the matter, and if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: June 11, 1948.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

## PART 16—LAND TRANSPORTATION RADIO SERVICES

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## SUBPART A—GENERAL

§ 16.1 *Statement of basis and purpose.* (a) The rules and regulations in this part are issued pursuant to the provisions of Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions and to issue authorizations for radio stations.

(b) The rules in this part have been designed to provide a service of radio-communications which will promote the operating efficiency and safety of public land transportation common carriers.

§ 16.2 *Definitions.*—(a) *Land transportation radio services.* The term "land transportation radio services" as used in the rules in this part means any service of radiocommunication operated by, and for the sole use of certain land transportation common carriers, the radio transmitting facilities of which are defined as fixed, land, or mobile stations.

(b) *Intercity bus radio service.* The term "intercity bus radio service" as used in these rules means a radiocommunication service for use in connection with the transportation facilities of an intercity bus common carrier.

(c) *Intercity truck radio service.* The term "intercity truck radio service" as used in these rules means a radiocommunication service for use in connection with the transportation facilities of an intercity truck common carrier.

(d) *Railroad radio service.* The term "railroad radio service" as used in these rules means a radiocommunication service for use in connection with the transportation facilities of a railroad common carrier.

(e) *Taxicab radio service.* The term "taxicab radio service" as used in these rules means a radiocommunication service for use in connection with the transportation facilities of a taxicab common carrier.

(f) *Urban transit radio service.* The term "urban transit radio service" as used in these rules means a radiocommunication service for use in connection with the transportation facilities of an urban transit common carrier.

(g) *Radio station.* The term "radio station" means apparatus capable of effecting radiocommunication or the radio transmission of energy. Such apparatus includes all equipment for one service and class of station, authorized to a station permittee or licensee, under one authorization.

(h) *Fixed service.* The term "fixed service" means a service of radiocom-

munication between specified fixed points.

(i) *Fixed station.* The term "fixed station" means a station in the fixed service.

(j) *Fixed control station.* The term "fixed control station" means a fixed station, the transmission of which are used to automatically control the emissions or operation of another radio station at a specified location.

(k) *Fixed repeater station.* The term "fixed repeater station" means a fixed station established for the automatic retransmission of radiocommunications received from one or more mobile stations only to a specified location.

(l) *Fixed relay station.* The term "fixed relay station" means a fixed station established for the automatic retransmission of radiocommunications received from either one or more fixed stations or from a combination of land and mobile stations.

(m) *Mobile service.* The term "mobile service" means a service of radiocommunication between mobile and land stations or between mobile stations.

(n) *Base station.* The term "base station" means a land station in the land mobile service carrying on a service with land mobile stations.

(o) *Land station.* The term "land station" means a station in the mobile service not intended for operation while in motion.

(p) *Mobile station.* The term "mobile station" means a station in the mobile service intended to be used while in motion or during halts at unspecified points.

(q) *Mobile relay station.* The term "mobile relay station" means a base station established for the automatic retransmission of mobile service communications which originate on the transmitting frequency of the mobile stations and which are retransmitted on the receiving frequency of the mobile stations.

(r) *Person.* The term "person" wherever used in this part includes an individual, partnership, unincorporated association, corporation.

#### SUBPART B—RULES RELATING TO APPLICATIONS AND LICENSES

§ 16.51 *Station authorization required.* No radio transmitter shall be operated in the land transportation radio services except under and in accordance with a valid station authorization granted by the Federal Communications Commission.

§ 16.52 *General restrictions; eligibility for station licenses.* A station license shall not be granted to or held by—

(a) Any alien or the representative of any alien;

(b) Any foreign government or the representative thereof;

(c) Any corporation organized under the laws of any foreign government;

(d) Any corporation of which any officer or director is an alien;

(e) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by Aliens or their representatives; a foreign government or representative thereof; or any corporation organized under the laws of a foreign country;

(f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by Aliens or their representatives; a foreign government or representatives thereof; or any corporation organized under the laws of a foreign government—if the Commission finds that the public interest will be served by the refusal or revocation of such license.

§ 16.53 *General restrictions; transfer and assignment of station authorization.* A radio station construction permit, license, or other station authorization; the frequencies authorized to be used by the grantee of such authorization; or the rights therein granted by such authorization shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of to any person, either directly or indirectly by transfer of control of any corporation holding such license, unless the Commission shall, after securing full information, decide that said transfer is in the public interest, and shall give its consent in writing. Requests for authority of the type referred to herein shall be obtained in the manner prescribed by § 16.57 (i).

§ 16.54 *Procedure for obtaining a radio station license.* (a) The first step toward obtaining a station license is the filing of an application for a construction permit in accordance with this part. After the construction and installation is completed, a base or fixed station shall be tested in accordance with § 16.110, following which an application for station license shall be submitted in accordance with § 16.57 (d)

(b) In the case of mobile transmitters which are purchased as a complete packaged unit and used without modification, no tests are required and the application for license may be submitted simultaneously with the application for construction permit.

(c) A construction permit is not required for stations located and operated exclusively on railroad rolling stock, but a station license is required for each station.

§ 16.55 *Method of application.* (a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to the Land Transportation Radio Services are discussed in § 16.57, and may be obtained from the Washington, D. C. office of the Commission, or from any of its engineering field offices. Concerning matters where no standard form is applicable, the procedure outlined in § 16.57 (j) should be followed.

(b) Any application for radio station authorization and all correspondence relating thereto shall be submitted to the

Commission's office at Washington 25, D. C., and should be directed to the attention of the Secretary. An application for commercial radio operator permit or license may be submitted to any of the Commission's engineering field offices, or to the Commission's office at Washington 25, D. C.

(c) Unless otherwise specified, an application shall be filed at least sixty days prior to the date on which it is desired that Commission action thereon be completed.

(d) Each application for station authorization shall be specific and complete with regard to station location; proposed equipment, power, antenna height, and operating frequency and other information required by the application form.

(e) Unless otherwise specified in a particular case or for a particular form, each application shall be filed in duplicate.

§ 16.56 *Who may sign applications.* One copy of each application for an authorization shall be signed under oath or affirmation by the applicant if the applicant be an individual, or any one of the partners if an applicant be a partnership, by an officer if the applicant be a corporation, or by a member who is an officer if the applicant be an unincorporated association: *Provided, however* That applications may be signed by the attorney for an applicant (a) in case of physical disability of the applicant, or (b) his absence from the continental United States. If it be made by a person other than the applicant, he must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the applicant. Where more than one copy of an application is required to be filed with the Commission, only the original need be signed and verified; the copies may be conformed.

§ 16.57 *Forms to be used—(a) Application for construction permit for stations at locations.* A separate application for construction permit shall be submitted on FCC Form 401 for each station to be located at a fixed point. Such applications shall be accompanied by FCC Form 401a, in quadruplicate, in all cases when:

(1) The antenna and supporting structures proposed to be erected will exceed an over-all height of 150 feet above ground level; or

(2) The antenna is to be located within 3 miles of a landing area and will exceed an over-all height of 5 feet above ground for each foot of distance, or fraction thereof, from the nearest boundary of the landing area.

(b) *Description of antenna structure.* When required to be submitted, by the terms of paragraph (a) of this section, FCC Form 401a shall be submitted in quadruplicate. There shall be attached to each copy of the form a sketch showing the antenna and supporting structure as well as a map showing the location of the antenna, landing areas in the vicinity thereof, and all tall structures that may affect the marking of the antenna or supporting structure.

(c) *Application for construction permit for mobile station.* Application for

construction permit for any number of mobile units in the same service may be combined and shall be submitted on FCC Form 401. For stations located aboard railroad rolling stock, see §§ 16.54 (c) and 16.57 (d).

(d) *Application for station license.* Application for station license shall be filed on FCC Form 403 (Railroad Radio Service use FCC Form 402) upon completion of construction or installation in accordance with the terms and conditions set forth in the construction permit.

(e) *Application for modification of construction permit.* Separate application for modification of construction permit shall be submitted on FCC Form 401 for each station to be located at a fixed point. Application for modification of construction permit for any number of mobile units in the same service shall be submitted on FCC Form 401.

(f) *Application for modification of station license.* Application for modification of station license shall be submitted on FCC Form 403 (Railroad Radio Service use FCC Form 402). A blanket application for modification of a group of station licenses of the same class may be submitted in those cases where the modification requested is the same for all stations covered by the application. The individual stations covered by such application shall be clearly identified therein.

(g) *Application for renewal of license.* Application for renewal of station license shall be submitted on FCC Form 405. A blanket application may be submitted for renewal of a group of station licenses in the same class. The individual stations covered by such applications shall be clearly identified thereon. Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license to be renewed.

(h) *Application for additional time to construct radio station.* FCC Form 701 shall be submitted to the Commission in duplicate, whenever it is necessary to request an extension of the time limit specified on a valid construction permit.

(i) *Application for consent to assignment of radio station construction permit or license.* Application on Form 702 shall be submitted to the Commission when the legal right to construct or to control the use and operation of a station is to be transferred as a result of a voluntary act (contract or other agreement) or an involuntary act (death or legal disability) of the grantee of a permit or station license, or by involuntary assignment of the physical property constituting the station under a court decree in bankruptcy proceedings, or other court order, or by operation of law in any other manner.

(j) *Informal application.* (1) Any application not submitted on a standard form prescribed by the Commission is considered to be an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and with the original signed under oath or affirmation. Each application shall be clear and complete within itself as to the facts presented and the action desired.

(2) An informal application for authority to operate transmitting equipment will be accepted only in case of an obvious emergency requiring immediate use of radio facilities. Each such informal application shall contain the following information:

- (i) Need for special action.
- (ii) Type of operation to be conducted.
- (iii) Purpose of operation.
- (iv) Time and date of operation desired.
- (v) If operation may continue longer than 90 days, a statement that formal application for construction permit will be filed immediately.
- (vi) Class of station and nature of service.
- (vii) Location of station.
- (viii) Equipment to be used, specifying manufacturer, model number, and number of units.
- (ix) Frequency(s) desired.
- (x) Plate power input to final radio stage.
- (xi) Type of emission.

§ 16.58 *Supplemental information required with applications for control, relay, or repeater stations.* (a) Each application for construction permit for a control, repeater, or relay station shall be accompanied by a map and supplemental statement containing, respectively, the information specified by paragraphs (b) and (c) of this section.

- (b) The map shall show:
  - (1) The location of the proposed station.
  - (2) The location of all associated transmitters of the system.
  - (3) The location of all associated receivers of the system.
  - (4) The path and direction of transmission of each frequency used and proposed to be used, whether for transmitting or receiving.

(c) The supplemental statement shall contain a detailed description of the proposed system indicating how it will function and setting forth the need for the facilities requested. This statement shall indicate clearly the frequencies of all receivers that actuate the proposed transmitter(s) for the automatic retransmission of received signals. If a frequency below 952 Mc is requested for the proposed station, the statement shall indicate the reasons why wireline facilities are not feasible.

§ 16.59 *Change in equipment.* (a) Except as provided in paragraph (b) of this section, the licensee of a station in these services may make changes in licensed equipment without specific authorization from the Commission if such changes do not result in operation in violation of any term of the current authorization for the station involved.

(b) Requests for changes in licensed equipment which will result in operation in violation of any term of the current authorization for the station shall be submitted to the Commission on FCC Form 401.

(c) Prior authorization from the Commission is required before the following antenna changes may be made at a station at a fixed location:

- (1) Any change which will increase the over-all antenna height;

(2) Any change which will increase the power gain of the antenna;

(3) Any change in location of an antenna which exceeds 150 feet in height;

(4) Any change in location of an antenna to a new site within 3 miles of a landing area for any height of antenna;

(5) Any change in height or location of an antenna or antenna supporting structure which is required to be marked in accordance with FCC or CAA specifications.

(d) Requests for changes outlined in paragraph (c) of this section shall be submitted to the Commission on FCC Form 401a in quadruplicate. The FCC Form 401a shall be accompanied by maps and sketches showing the proposed change in the antenna or antenna supporting structure. The original copy of FCC Form 401a must be signed under oath or affirmation in accordance with § 16.56. If the antenna or antenna supporting structure is required to be marked, a description of the marking shall be attached to FCC Form 401a.

§ 16.60 *Partial grant.* Where the Commission, without a hearing, grants an application in part, or with any privileges, terms or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, file with the Commission a written request, rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and set the application for hearing in the same manner as other applications are set for hearing.

§ 16.61 *Defective applications.* (a) An application which is not prepared in accordance with the Commission's rules or other requirements will be considered defective unless accompanied by a request to waive the rule or other requirement with which the application is in conflict. The reasons which are believed to support such a request shall be set forth in detail.

(b) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) When an application is considered to be incomplete or defective, the Secretary of the Commission will return it to the applicant, unless the Commission may otherwise direct. The reason for return of the application will be indicated, and, if appropriate, necessary additions or corrections will be suggested.

§ 16.62 *Amendment or dismissal of applications.* Any application may be amended or dismissed without prejudice upon request of the applicant prior to the time the application is granted or designated for hearing. Each amendment, or request for dismissal of an application shall be signed, authenticated, and submitted in the same manner and with the same number of copies as required for the original application. All

related correspondence or other material which is to be considered as a part of an application already filed shall be submitted in the form of an amendment to the application concerned.

§ 16.63 *Construction period.* Each radio station construction permit issued by the Commission will specify the date of grant at the earliest date of commencement of construction and installation, and a maximum of eight months thereafter as the time without which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission in any particular case.

§ 16.64 *License term.* For all stations in the land transportation services, the license period shall be as follows:

(a) Each station license will be issued for a term of from one to five years from the effective date of grant, the term varying as may be necessary to permit the orderly scheduling of renewal applications.

(b) Each station license normally will be renewed, upon proper application, for a term of four years from the effective date of renewal.

§ 16.65 *Coordinated service.* The shared use of base station or fixed station facilities by one or more persons eligible under these rules for authorizations is permitted, although only one person may be the licensee. Licensees in the land transportation radio services, however, shall not operate as communications common carriers. Contributions to capital and operating expenses on a cost-sharing basis may be accepted, provided that records are maintained and held available for inspection by Commission representatives which reflect the cost of the service and details with respect to the non-profit or cost-sharing nature of the operations. Each person whose mobile units receive coordinated service from a base station shall be the licensee of such units. All parties to the coordinated service arrangement shall have their names entered on the instrument of station authorization by the Commission, which may be accomplished by informal application.

§ 16.66 *Discontinuance of station operation.* In case of discontinuance of operation for a period of one year or more of the transmitting apparatus of a station in this service authorized at a fixed point, or in case of discontinuance for a period of one year or more of operation of all transmitter units listed in the license for a mobile station in these services, the licensee shall forward the station license to the Washington, D. C. office of the Commission for cancellation. A copy of the request for cancellation of the license shall be forwarded to the Commission's engineer in charge of the district in which the station is located.

#### SUBPART C—RULES RELATING TO INSTALLATION, PERFORMANCE AND MAINTENANCE OF EQUIPMENT

§ 16.101 *Assignment of frequencies.* The frequencies allocated for use by stations in these services are listed in sec-

tions of the rules concerning the particular service involved. All applicants for, and licensees of, stations in these services are required to cooperate in the selection and use of the designated frequencies, to minimize interference and to make the most effective use of the frequencies assigned. Each frequency available for assignment to stations in these services is available on a shared basis only and will not be assigned for the exclusive use of any one licensee. The use of any frequency may be restricted to one or more specified geographical areas.

§ 16.102 *Assigned frequency and authorized channel width.* (a) Each frequency assigned to a station is the midpoint of a frequency channel within which the station is authorized to operate.

(b) The width of the authorized frequency channel varies in accordance with the following tabulation:

Frequency range:	Authorized channel width (kc)
30 to 100 Mc-----	40
100 to 216 Mc-----	60
Above 216 Mc: To be specified in authorization.	

§ 16.103 *Frequency stability.* (a) A permittee or licensee in these services shall maintain the carrier frequency of each authorized transmitter within the following percentage of the assigned frequency, except as provided in paragraph (b) of this section:

Frequency range:	Frequency tolerance (percent)
30-50 Mc-----	0.01
50-216 Mc-----	.003
Above 216 Mc: To be specified in authorization.	

(b) For transmitters authorized to operate as mobile stations with a maximum plate power input to the final radio stage of 3 watts or less, the frequency shall be maintained within the limits of the authorized channel in lieu of the requirements in paragraph (a) of this section.

§ 16.104 *Types of emission.* In these services, stations may be authorized to use one or more of the following types of emission: A-1, A-2, A-3 and A-4; and special emission for frequency modulation (a) for telephony, and (b) for operation of signalling, calling, and similar devices which function only as an adjunct to the establishment or maintenance of radiotelephone communications. An application involving one or more of the above types of emission need only list the types desired; but an application involving use of any other type emission shall fully describe the type of emission desired, including the band width occupied by the signal.

§ 16.105 *Emission outside the authorized channel.* (a) Except for side band components developed by frequency modulation, emission of each transmitter outside of the authorized channel shall be attenuated below the maximum level of emissions within the authorized channel in accordance with the following table:

Maximum authorized plate power input to the final radio stage	Attenuation (db)
3 watts or less-----	40
Over 3 watts up to and including 150 watts-----	60
Over 150 watts up to and including 600 watts-----	70
Over 600 watts-----	80

All measurements are to be made by the Lessey line method at the rated transmitter load impedance.

(b) The emission limitations stated in paragraph (a) of this section shall apply to all transmitters authorized to be installed on or after January 1, 1949.

(c) When emissions outside the authorized channel result in interference, the Commission may in its discretion require appropriate technical changes in equipment to alleviate the interference.

§ 16.106 *Modulation requirements.*

(a) When amplitude modulation is used, the modulation shall be sufficient to provide efficient communication, but shall not exceed 100 percent on negative peaks.

(b) When frequency modulation is used, the positive or the negative deviation arising from modulation plus the deviation of the carrier from the assigned frequency due to frequency instability shall not exceed one-half the authorized channel width.

(c) Each transmitter installation authorized after July 1, 1950 shall be provided with a device which will automatically prevent modulation in excess of that specified in paragraphs (a) and (b) of this section which may be caused by greater than normal audio level; provided that this requirement shall not be applicable to transmitters authorized to operate as mobile stations with a maximum plate power input to the final radio stage of 3 watts or less.

§ 16.107 *Power and antenna height.* (a) The power and antenna height which may be used by a station in these services shall be no more than the minimum required for satisfactory technical operation commensurate with the size of the area to be served and local conditions which affect radio transmission and reception. The field intensity authorized for a station in a given geographical area may be restricted by the Commission.

(b) Except where the power that may be used on a designated frequency is specifically limited, plate power input to the final radio stage in excess of the following tabulation will not be authorized unless the applicant submits a map showing the area to be covered and, in addition, results of field intensity measurements in the area involved, or other comparable engineering data acceptable to the Commission, which clearly show the need for higher power.

Frequency:	Maximum plate power input to the final radio stage (watts)
30-100 Mc-----	500
Above 100 Mc-----	100

§ 16.108 *Transmitter control requirements.* (a) Each transmitter shall be so installed and protected that it is not accessible to or capable of operation by any persons other than those duly authorized by the licensee.



(b) In these services each station at a fixed location shall be provided with at least one control point, and may be provided with any number of dispatch points or none at all. As used in this section, a control point is any transmitter operating position which meets all of the following requirements:

(1) The operating position must be under the control and supervision of the licensee;

(2) It is a position at which the monitoring facilities required by this section are installed;

(3) It is a point at which an operator responsible for the operation of the transmitter is stationed.

(c) As used in this section, a dispatch point means any operating position that does not comply with all of the above requirements. Prior authority from the Commission is required for the installation of a control point. Dispatch points may be installed without authorization from the Commission. Means shall be provided whereby each dispatch point is placed under the operational supervision of one or more control points.

(d) When the operating position and the transmitter are not housed in the same building, the control circuits are to be so installed that grounding either side of the circuit or a short across the circuit will not cause the transmitter to radiate.

(e) At each control point for a station at a fixed location, the following facilities shall be installed:

(1) A carrier operated device which will provide continuous visual indication when the transmitter is radiating; or, in lieu thereof, a device which will provide continuous visual indication when the transmitter control circuits have been placed in a condition to produce radiation.

(2) Equipment to permit the operator to aurally monitor all transmissions originating at dispatch points under his supervision.

(3) A device to permit the operator either to disconnect the dispatch point circuits from the transmitter or to render the transmitter inoperative from any dispatch point under his supervision.

#### § 16.109 Transmitter measurements.

(a) The licensee of each station shall employ a suitable procedure to determine that the assigned frequency of each transmitter is maintained within the tolerance prescribed in these rules. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may affect the operating frequency or the stability thereof;

(3) At intervals not to exceed six months, for transmitters employing crystal-controlled oscillators;

(4) At intervals not to exceed one month, for transmitters not employing crystal-controlled oscillators.

(b) The licensee of each station shall employ a suitable procedure to determine that the plate power input to the final

radio stage of each land station transmitter does not exceed the maximum figure specified on the current instrument of authorization. Where the transmitter is so constructed that a direct measurement of plate current in the final radio stage is not practicable, the plate input power may be determined from a measurement of the cathode current in the final radio stage. When the plate input to the final radio stage is determined from a measurement of the cathode current, the required record entry shall clearly indicate the quantities that were measured, the measured values thereof, and the method of determining the plate power input from the measured values. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may increase the transmitter power output;

(3) At intervals not to exceed six months.

(c) The licensee of each station shall employ a suitable procedure to determine that the carrier modulation does not exceed the limits specified in this part. This determination shall be made and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may affect the modulation of the carrier.

(3) At intervals not to exceed six months.

(d) The determinations required by paragraphs (a), (b) and (c) of this section may, at the option of the licensee, be made by any qualified engineering measurement service, in which case, the required record entries shall show the name and address of the engineering measurement service as well as the name of the person making the measurements.

(e) In the case of transmitters in mobile units, the determinations required by paragraphs (a) and (c) of this section may be made at a test or service bench in lieu of in the mobile unit itself; *Provided*, The measurements are made under load conditions equivalent to actual operating conditions, *And provided further* That after installation in the mobile unit, the transmitter is given a routine check to determine that it is capable of being satisfactorily received by an appropriate receiver.

§ 16.110 Radio station tests: Equipment, service and maintenance—(a) *Equipment tests.* Upon completion of construction of a radio station in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the rules and regulations governing the station, and prior to filing of application for license, the permittee is authorized to test the equipment for a period not to exceed 10 days; *Provided*, That the engineer in charge of the district in which the station is located is notified two days in advance of the beginning of tests and

the permittee is not notified by the Commission to cancel, suspend or change the date for the period of such tests.

(b) *Service tests.* When the construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations governing the station, and after an application for station license has been filed with the Commission showing the transmitter to be in satisfactory operating condition, the permittee is authorized to conduct service tests in exact accordance with the terms of the construction permit until final action is taken on the application for license; *Provided*, That the engineer in charge of the district in which the station is located is notified two days in advance of the beginning of such tests and the permittee is not notified by the Commission to cancel or suspend tests or change the date for the period of such tests.

(c) *Maintenance tests.* Any station may be tested as may be required for proper maintenance of the equipment. All necessary precautions shall be taken to avoid interference with other stations and the test time shall be kept at a minimum.

#### SUBPART D—RULES RELATING TO STATION OPERATION

§ 16.151 *Station identification.* A base station or mobile unit in the Land Transportation Service must be identified at the end of each transmission unless engaged in a continual exchange of communications; then identification shall be made at the end of a series of transmissions or at the end of each 15 minute period if a series of transmission continues for 15 minutes or more without substantial interruption. Except as provided under the rules governing specific services, identification shall be by assigned call letters. The assigned call letters of mobile units may be followed by an individual designation of such units.

§ 16.152 *Suspension of transmissions required.* The radiations of the transmitter shall be suspended immediately upon detection or notification of a deviation from the technical requirements of the station authorization until such deviation is corrected, except for transmissions concerning the immediate safety of life or property, in which case the transmissions shall be suspended as soon as the emergency is terminated.

§ 16.153 *Installation of mobile units in private vehicles.* A mobile radio station, or transmitter unit thereof, licensed in these services, may not be installed or maintained in a vehicle, aircraft or vessel unless the operation of such transmitter is at all times under the control of the licensee.

§ 16.154 *Operator requirements.* (a) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station which may affect the proper operation of such station shall be made by or under the immediate supervision and responsibility of a person holding a first



or second class commercial radio operator license, either radiotelephone or radiotelegraph, and such person shall be responsible for the proper functioning of the station equipment.

(b) Each transmitter, except those of stations falling within the scope of the railroad radio service (§§ 16.301 through 16.304) shall be operated in the manner prescribed in this paragraph, except for such operation as may come within the provisions of paragraph (a) of this section. Transmitters of stations falling within the scope of the railroad radio service shall be operated in accordance with the provisions of Commission Order 126 (which will be incorporated into this part at the time of final adoption).

(1) All stations transmitting by manual telegraphy shall be operated during the course of such transmissions by a person holding any class of commercial radiotelegraph operator license or permit. The use of radio teleprinter or radio teletype is not considered to be manual operation.

(2) Mobile stations operating on frequencies above 25 Mc and not coming within the provisions of subparagraph (1) of this paragraph may be operated by unlicensed persons authorized to do so by the station licensee.

(3) Fixed stations and base stations not coming within the provisions of subparagraph (1) of this paragraph shall be operated in accordance with the following:

(i) From a control point, fixed or base stations shall be operated by a person holding any class of commercial radio operator license or permit issued by the Commission.

(ii) From a dispatch point, fixed or base stations may be operated by unlicensed persons (authorized to do so by the licensee of the fixed or base station or by the licensee of any mobile unit receiving coordinated service via such dispatch point) but such operation shall be under the direct supervision and responsibility of a person who (a) holds any class of commercial radio operator license or permit issued by the Commission, and who (b) is on duty at a control point meeting the requirements of § 16.108.

(4) Repeater, relay, and telemetering stations are exempt from the requirements of this paragraph unless otherwise provided in the instrument of station authorization. Other stations which are entirely automatic in their operation, including automatic modulation of the carrier, will be considered for exemption in specific instances, upon request.

(5) Notwithstanding any other provision of this paragraph, a station located on any ship or aircraft; or being operated from any location outside the continental United States, its territories, or possessions; or in communication with any station located outside the limits of the continental United States, its territories, or possessions; or in communication with a station licensed by any government other than the United States Government shall be operated by a person holding the proper class of commercial operator license issued by the Commission.

(6) The provisions of this paragraph authorizing certain unlicensed persons to operate mobile stations shall not be construed to change or diminish in any respect the responsibility of station licensees to have and maintain control over the stations licensed to them (including all transmitter units thereof), or for the proper functioning and operation of these stations (including all transmitter units thereof), in accordance with the terms of the licenses of these stations.

(7) Notwithstanding any other provisions of this paragraph, unless the transmitter is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, such transmitter shall be operated by a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph, issued by the Commission.

(c) Any reference in this section to a commercial radio operator license or permit issued by the Commission shall not be construed to include Aircraft Radiotelephone Operator Authorizations.

§ 16.155 *Posting of operator license.* The original license of each base or fixed station operator shall be posted or kept immediately available where he is on duty as operator; *Provided, however,* That if the operator on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from the diploma form) or uses as his operating authority a license verification card (FCC Form 758-F), he shall keep such authorization in his personal possession.

§ 16.156 *Transmitter identification card and posting of station license.* (a) The current authorization for each mobile station shall be retained as a permanent part of the station record, but need not be posted. An executed Transmitter Identification Card (FCC Form 452-C, Revised) shall be affixed to each mobile transmitter or associated control equipment. When the transmitter is not in view of and readily accessible to the operator, it is preferred that the identification card be affixed to the control equipment at the transmitter operating position. The following information shall be entered on the card by the permittee or licensee:

- (1) Name of permittee or licensee;
- (2) Station call signal assigned by the Commission;
- (3) Exact location or locations of the transmitter records;
- (4) Frequency or frequencies on which the transmitter to which attached is adjusted to operator; and
- (5) Signature of the permittee or licensee, or a designated official thereof.

(b) The current authorization for each base or fixed station shall be posted at the principal control position of that station. At all other control points listed on the station authorization, a photocopy of the authorization shall be posted. In addition, an executed Transmitter Identification Card (FCC Form 452-C, Revised), shall be affixed to each trans-

mitter operated at a fixed location, when such transmitter is not in view of, and readily accessible to, the operator at the principal control position.

§ 16.157 *Inspection of stations.* All stations and records of stations in these services shall be made available for inspection at any time while the station is in operation or shall be made available for inspection upon reasonable request of an authorized representative of the Commission.

§ 16.158 *Inspection of tower lights and associated control equipment.* The licensee of any station in these services which has an antenna or antenna supporting structure required to be illuminated by the terms of the station authorization:

(a) Shall make a daily check of the tower lights either by visual observation of the tower lights or by observation of an automatic indicator of proper or improper operation to insure that all such lights are functioning properly;

(b) Shall report immediately by telephone or telegraph to the nearest airways communication station or office of Civil Aeronautics Administration any observed failure of a code or rotating beacon light not corrected within thirty minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination; and

(c) Shall inspect at intervals of at least once each three months all code or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly.

§ 16.159 *Answers to notices of violations.* Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, Executive order, treaty to which the United States is a party, or the regulations in this chapter, shall, within 3 days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgment made within such 3-day period, by reason of illness or other unavoidable circumstances, acknowledgement and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices.

If the notice relates to some violation that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, are taken to prevent future violations, and if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification as will permit ready reference.

If the notice of violation relates to incompetent maintenance resulting in im-

proper operation of the transmitter, the name and license number of the operator performing the maintenance shall be given.

If the notice of violation relates to some lack of attention to or improper operation of the transmitter by other employees, the reply shall set forth the steps taken to prevent a recurrence of such lack of attention or improper operation.

§ 16.160 *Content of station records.* Each licensee of a station in these services shall maintain records showing:

(a) For all stations, the results and dates of the transmitter measurements required by § 16.109, and the name of the person or persons making the measurements.

(b) For all stations, where service or maintenance duties are performed which may affect their proper operation, the responsible operator shall sign and date an entry in the station record concerned, giving:

(1) Pertinent details of all duties performed by him or under his supervision;

(2) His name and address; and

(3) The class, serial number, and expiration date of his license: *Provided*, That the information called for under this subparagraph and subparagraph (2) of this paragraph, so long as it remains unchanged, is not required to be repeated in the case of a person who is regularly employed as operator on a full-time basis at the station.

(c) For base stations and fixed stations only, the name or names of persons responsible for the operation of the transmitting equipment each day, together with the period of their duty.

(d) For base stations only, when they communicate with other base stations or with fixed stations:

(1) Call signal of other stations;

(2) Nature of such communications; and

(3) Date, time, and approximate duration of each transmission.

(e) When a base station or fixed station has an antenna or antenna supporting structure which is required to be illuminated, appropriate entries shall be made as follows:

(1) The time the tower lights are turned on and off each day if manually controlled.

(2) The time the daily check of proper operation of the tower lights were made, either by visual observation of the tower lights or by observation of an automatic indicator.

(3) In the event of any observed failure of a tower light:

(i) Nature of such failure.

(ii) Date and time the failure was observed.

(iii) Date, time and nature of the adjustments, repairs, or replacements made.

(iv) Identification of airways communication station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the airway communication station

(Civil Aeronautics Administration) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required by § 16.158:

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, together with the socket voltages measured under load at the sockets or computed from measurements under load at other points.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements or repairs were made.

§ 16.161 *Form of station records.* The records shall be kept in an orderly manner, and in such detail that the data required are readily available. Key letters or abbreviations may be used if proper meaning or explanation is set forth in the record.

§ 16.162 *Station records, by whom kept.* Each entry in the records of each station shall be signed by a person qualified to do so, having actual knowledge of the facts to be recorded.

§ 16.163 *Correction of station records.* No record or portion thereof shall be erased, obliterated, or wilfully destroyed within the required retention period. Any necessary correction may be made only by the persons originating the entry who shall strike out the erroneous portion, initial the correction made and indicate the date of correction.

§ 16.164 *Station record retention period.* Records required by this part shall be retained by the licensee for a period of at least one year.

#### SUBPART E—RULES RELATING TO THE INTERCITY BUS RADIO SERVICE

§ 16.201 *Eligibility for license.* Authorizations for stations to be operated in the intercity bus radio service will be issued only to persons regularly engaged in offering to the public a scheduled common carrier passenger land transportation service over public highways and primarily between established city terminals or to cooperative organizations of such persons, *Provided*, That all persons who are members or shareholders of the organizations would themselves be eligible for an authorization.

§ 16.202 *Cooperative use of facilities.* Only one base station will be authorized to serve a particular portion of a highway and such a station will be required to provide service without discrimination but on a cooperative maintenance basis to all bus common carriers eligible for authorizations in the intercity bus radio service. A licensee rendering such service may accept contributions to capital and operating expenses on a cost-sharing basis from persons to whom such service is furnished.

§ 16.203 *Permissible communications.* Stations in the intercity bus radio service are authorized to transmit communications essential to:

(a) Public safety and protection of life or important property, or

(b) The operation and maintenance of intercity bus facilities.

§ 16.204 *Points of communication.* Base stations and mobile stations in the intercity bus radio service are authorized to intercommunicate with mobile stations in the same service.

§ 16.205 *Frequencies.* The following frequencies are available for assignment to stations operating in the intercity bus radio service:

(a) To base and mobile stations:

Mc	Mc	Mc	Mc
43.70	43.74	43.78	43.82
43.86	43.90	43.94	43.98
44.00	44.02	44.04	44.06
44.08	44.10	44.12	44.14
44.16	44.18	44.20	44.22
44.24	44.26	44.28	44.30

(b) To fixed control and fixed repeater stations, on a shared basis with other stations in the land transportation and public safety radio services:

Mc	Mc	Mc
72.02	72.26	72.50
72.14	72.38	72.62

Assignments to be limited to fixed circuits which, as a result of an engineering study, may be expected to operate in this band on a non-interference basis to the Television Service.

(c) Frequencies in the following bands of frequencies are available for assignment to stations operating in the intercity bus radio service. These frequencies are shared with other radio services. The exact frequency in the bands listed, or the authorized channel, will be specified in the authorization.

(1) Experimental base and mobile stations:

Mc	Mc
<sup>1</sup> 2450-2500	6425- 6575
3500-3700	11700-12200

(2) Experimental fixed stations:

Mc	Mc
952- 960	6575- 6875
1850-1990	12200-12700
2110-2200	16000-17850
<sup>1</sup> 2450-2500	<sup>1</sup> 17850-18000
2500-2700	26000-30000

#### SUBPART F—RULES RELATING TO THE INTERCITY TRUCK RADIO SERVICE

§ 16.251 *Eligibility for license.* Authorizations for stations to be operated in the intercity truck radio service will be issued only to persons regularly engaged in furnishing to the public a common carrier freight land transportation service over public highways and primarily between established city terminals or to cooperative organizations of such persons: *Provided*, That all persons who are members or shareholders of the organizations would themselves be eligible for an authorization.

§ 16.252 *Cooperative use of facilities.* Only one base station will be authorized to serve a particular portion of a highway and such a station will be required to provide service without discrimination

<sup>1</sup> Subject to no protection from interference due to the operation of industrial, scientific, and medical devices on frequencies in this band.

but on a cooperative maintenance basis to all truck common carriers eligible for authorizations in the intercity truck radio service. A licensee rendering such service may accept contributions to capital and operating expenses on a cost-sharing basis from persons to whom such service is furnished.

§ 16.253 *Permissible communications.* Stations in the intercity truck radio service are authorized to transmit communications essential to:

- (a) Public safety and protection of life or important property; or
- (b) The operation and maintenance of intercity truck facilities.

§ 16.254 *Points of communication.* Base stations and mobile stations in the intercity truck radio service are authorized to intercommunicate with mobile stations in the same service.

§ 16.255 *Frequencies.* The following frequencies are available for assignment to stations operating in the intercity truck radio service:

(a) To base and mobile stations:

Mc	Mc	Mc	Mc
85.70	35.74	35.78	35.82
35.86	35.90	35.94	35.98

(b) To fixed control and fixed repeater stations, on a shared basis with other stations in the Land Transportation and public safety radio services:

Mc	Mc	Mc
72.02	72.14	72.26
72.38	72.50	72.62

Assignments to be limited to fixed circuits which, as a result of an engineering study, may be expected to operate in this band on a non-interference basis to the Television Service.

(c) Frequencies in the following bands of frequencies are available for assignment to stations operating in the intercity truck radio service. These frequencies are shared with other radio services. The exact frequency in the bands listed, or the authorized channel, will be specified in the authorization.

(1) Experimental base and mobile stations:

Mc	Mc
* 2450-2500	6425- 6575
3500-3700	11700-12200

(2) Experimental fixed stations:

Mc	Mc
952- 960	6575- 6875
1850-1990	12200-12700
2110-2200~	16000-17850
* 2450-2500	* 17850-18000
2500-2700	26000-30000

#### SUBPART G—RULES RELATING TO THE RAILROAD RADIO SERVICE

§ 16.301 *Eligibility for license.* Authorizations for stations to be operated in the railroad radio service will be issued only to persons regularly engaged in offering to the public a passenger or freight transportation service by railroad common carrier or to cooperative organizations of such persons, *Provided*, That all persons who are members or share-

holders of the organizations would themselves be eligible for an authorization.

§ 16.302 *Permissible communications.* Stations in the railroad radio service are authorized to transmit communications essential to:

- (a) Public safety and protection of life or important property; or
- (b) The operation and maintenance of railroads.

§ 16.303 *Points of communication.* In accordance with the provisions of § 16.302, stations in the railroad radio service may be used to communicate with:

(a) Other stations in the railroad radio service licensed to the same licensee or receiving stations operated by the same licensee.

(b) Stations in the railroad radio service licensed to other licensees or receiving stations operated by other railroads where cooperation or coordination of activities is necessary in connection with railroad operations.

(c) Licensed stations in other radio services and United States Government stations or receiving stations in case of an emergency or impending emergency jeopardizing life, public safety or important property.

§ 16.304 *Frequencies.* The following frequencies are available for assignment to radio stations operating in the railroad radio service:

(a) To base and mobile radio stations used primarily for end to end, fixed point to train, or train to train communications in connection with the operation of railroad trains over a track or tracks extending through yards and between stations upon which trains are operated by timetable, train order, or both, or the use of which is governed by block signals.

Mc	Mc	Mc	Mc
159.51	160.17	160.83	161.49
159.57	160.23	160.89	161.55
159.63	160.29	160.95	161.61
159.69	160.35	161.01	161.67
159.75	160.41	161.07	161.73
159.81	160.47	161.13	161.79
159.87	160.53	161.19	161.85
159.93	160.59	161.25	161.91
159.99	160.65	161.31	
160.05	160.71	161.37	
160.11	160.77	161.43	

These frequencies may also be used on a secondary basis for intercommunication between adjacent base stations, provided interference is not caused to communications involving radio stations aboard railroad rolling stock.

(b) All frequencies in paragraph (a) of this section may also be assigned to base or mobile stations to be operated primarily within railroad yards, terminal areas, or to be used for communications which are of a practical necessity in connection with railroad operation and maintenance; provided interference is not caused to stations eligible under the provisions of paragraph (a) of this section. However, each application requesting the assignment of 159.57, 159.81, 160.53, 161.01, 161.25 or 161.61 Mc must show why such interference will not be caused.

(c) To fixed control and fixed repeater stations, on a shared basis with other sta-

tions in the land transportation and public safety radio services:

Mc	Mc	Mc
72.02	72.26	72.50
72.14	72.38	72.62

Assignments to be limited to fixed circuits, which, as a result of an engineering study, may be expected to operate in this band on a non-interference basis to the television service.

(d) Experimental base and mobile stations, on a shared basis with stations in the urban transit radio service:

Mc	Mc	Mc	Mc
453.05	453.35	453.65	453.95
453.15	453.45	453.75	
453.25	453.55	453.85	

(e) Frequencies in the following bands of frequencies are available for assignment to stations operating in the railroad radio service. These frequencies are shared with other radio services. The exact frequency in the bands listed, or the authorized channel, will be specified in the authorization.

(1) Experimental base and mobile stations:

Mc	Mc
* 2450-2500	6425- 6575
3500-3700	11700-12200

(2) Experimental fixed stations:

Mc	Mc
952- 960	6575- 6875
1850-1990	12200-12700
2110-2200	16000-17850
* 2450-2500	* 17850-18000
2500-2700	26000-30000

(f) The frequency or frequencies immediately available for assignment to any particular area or railroad may be ascertained by communicating with the Secretary of the Federal Communications Commission, Washington 25, D. C.

§ 16.305 *Station identification.* Each station in the railroad radio service shall be identified during each communication or exchange of a series of communications. During an exchange of communications exceeding fifteen minutes in length, each station shall be identified at the end of each fifteen minute period. In lieu of assigned call letters, identification may be made by the name of the railroad and the train number, caboose number, engine number or name of fixed wayside station; or, if that is not practicable, by such other number or name as may be specified by the railroad concerned for the use of employees of the railroad to identify the fixed point or mobile unit where the radio station is located. Where identification is made other than by train number, caboose number or engine number, a list of such identification shall be maintained by the railroad. An abbreviated name or initial letters of the railroad may be used where such name or initial letters are in general usage. In those cases where it is shown that no difficulty would be encountered in identifying the transmissions of a particular station, as for example where stations of one licensee are located in a yard isolated from other radio installations, approval may be given to a request of the licensee for permission to omit station identification.

\* Subject to no protection from interference due to the operation of industrial, scientific, and medical devices on frequencies in this band.

## PROPOSED RULE MAKING

## SUBPART H—RULES RELATING TO THE TAXICAB RADIO SERVICE

§ 16.351 *Eligibility for license.* Authorizations for stations to be operated in the taxicab radio service will be issued only to persons regularly engaged in furnishing to the public for hire a non-scheduled passenger land transportation service not operated over a regular route or between established terminals or to cooperative organizations of such persons, *Provided*, That all persons who are members or shareholders of the organizations would themselves be eligible for an authorization.

§ 16.352 *Permissible communications.* (a) Stations in the taxicab radio service are authorized to transmit communications essential to:

(1) Public safety and protection of life or important property; or

(2) The operation and maintenance of Taxicab carrier facilities.

(b) All communications of mobile units shall be under the overall direction of the base station with which they are associated.

§ 16.353 *Points of communication.*

(a) A base station in the taxicab radio service is authorized to intercommunicate with any of the units of an associated mobile station.

(b) A unit of a mobile station may communicate only with its associated base station.

(c) A mobile station shall not be used to perform a function which could be accomplished by wirelines.

§ 16.354 *Frequencies.* The following frequencies are available for assignment to radio stations operating in the taxicab radio service:

(a) To base and mobile stations:

Base and mobile		Mobile only	
Mc	Mc	Mc	Mc
152.15	152.27	157.41	157.53
152.21	152.33	157.47	157.59

No more than one base station frequency and one mobile frequency will be assigned to a licensee.

(b) Experimental base and mobile stations:

Mc	Mc	Mc	Mc
452.05	452.35	452.65	452.95
452.15	452.45	452.75	
452.25	452.55	452.85	

(c) Frequencies in the following bands of frequencies are available for assignment to stations operating in the taxicab radio service. These frequencies are shared with other radio services. The

<sup>1</sup> Subject to no protection from interference due to the operation of industrial, scientific, and medical devices on frequencies in this band.

exact frequency in the bands listed, or the authorized channel, will be specified in the authorization.

(1) Experimental base and mobile stations:

Mc	Mc
<sup>1</sup> 2450-2500	6425- 6575
3500-3700	11700-12200

(2) Experimental fixed stations:

Mc	Mc
952- 960	6575- 6875
1850-1990	12200-12700
2110-2200	16000-17850
<sup>1</sup> 2450-2500	<sup>1</sup> 17850-18000
2500-2700	26000-30000

§ 16.355 *Station identification.* A base station or mobile unit in the taxicab radio service must be identified at the end of each transmission unless engaged in a continual exchange of communications; then identification shall be made at the end of a series of transmissions or at the end of each 15 minute period if a series of transmission continues for 15 minutes or more without substantial interruption. Except as hereinafter provided, identification shall be assigned call letters. The assigned call letters of mobile units may be followed by an individual designation of such units.

In lieu of announcing assigned call letters taxicab mobile units may be individually identified by special mobile unit designations provided, however, a list of the unit designations proposed to be used by the licensee is filed with the Commission's engineer in charge of the area where the units are to be operated, and the licensee receives a notification of authorization to use such designation from the engineer in charge. In the event it appears to the engineer in charge that the method of identification proposed will not clearly relate the mobile units to the licensee thereof by monitoring observations in the area, the licensee shall, upon request of the engineer in charge, amend the proposed mobile unit designations to the extent that they will differ from other proposed designations or designations previously authorized for use by other licensees in the area.

## SUBPART I—RULES RELATING TO THE URBAN TRANSIT RADIO SERVICE

§ 16.401 *Eligibility.* Authorizations for stations to be operated in the urban transit radio service will be issued only to persons regularly engaged in furnishing scheduled common carrier public passenger land transportation service along fixed routes primarily within urban or suburban communities or to cooperative organizations of such persons: *Provided*, That all persons who are members or shareholders of the organization would themselves be eligible for an authorization.

§ 16.402 *Permissible communications.* (a) Stations in the urban transit radio service are authorized to transmit communications essential to:

(1) Public safety and protection of life or important property; or

(2) The operation and maintenance of urban transit carrier facilities.

(b) All communications of mobile units shall be under the overall direction of the base station with which they are associated.

§ 16.403 *Points of communication.*

(a) A base station in the urban transit radio service is authorized to intercommunicate with any of the units of an associated mobile station.

(b) A unit of a mobile station may communicate only with its associated base station.

§ 16.404 *Frequencies.* The following frequencies are available for assignment to radio stations operating in the urban transit radio service:

(a) To base and mobile stations:

Mc	Mc	Mc	Mc
30.66	30.94	44.34	44.48
30.70	30.98	44.36	44.60
30.74	31.02	44.38	44.62
30.78	31.06	44.40	44.64
30.82	31.10	44.42	44.66
30.86	31.14	44.44	44.68
30.90	44.32	44.46	

No more than one base station frequency and one mobile frequency will be assigned to each licensee.

(b) Experimental base and mobile stations. (1) On a shared basis with stations in the railroad radio service:

Mc	Mc	Mc	Mc
453.05	453.35	453.65	453.95
453.15	453.45	453.75	
453.25	453.55	453.85	

(c) Frequencies in the following bands of frequencies are available for assignment to stations operating in the urban transit radio service. These frequencies are shared with other radio services. The exact frequency in the bands listed, or the authorized channel, will be specified in the authorization.

(1) Experimental base and mobile stations:

Mc	Mc
<sup>1</sup> 2450-2500	6425- 6575
3500-3700	11700-12200

(2) Experimental fixed stations:

Mc	Mc
952- 960	6575- 6875
1850-1990	12200-12700
2110-2200	16000-17850
2450-2500	<sup>1</sup> 17850-18000
2500-2700	26000-30000

[F. R. Doc. 48-5456; Filed, June 22, 1948; 8:50 a. m.]

## NOTICES

## DEPARTMENT OF THE TREASURY

## Fiscal Service: Bureau of the Public Debt

[1948 Dept. Circ. 829]

## 1½ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES F-1949

## OFFERING OF CERTIFICATES

JUNE 21, 1948.

**I. Offering of certificates.** 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States, for certificates of indebtedness of the United States, designated 1½ percent Treasury Certificates of Indebtedness of Series F-1949, in exchange for Treasury Certificates of Indebtedness of Series F-1948, Series G-1948 or Series H-1948, all maturing July 1, 1948.

**II. Description of certificates.** 1. The certificates will be dated July 1, 1948, and will bear interest from that date at the rate of 1½ percent per annum, payable with the principal at maturity on July 1, 1949. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all taxes now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

**III. Subscription and allotment.** 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

**IV. Payment.** 1. Payment at par for certificates allotted hereunder must be

made on or before July 1, 1948, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series F-1948, Series G-1948 or Series H-1948, all maturing July 1, 1948, which will be accepted at par, and should accompany the subscription. The full amount of interest due on the certificates surrendered will be paid to the subscriber following acceptance of the certificates.

**V. General provisions.** 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL]

JOHN W. SNYDER,  
Secretary of the Treasury.[F. R. Doc. 48-5607; Filed, June 22, 1948;  
8:51 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 1668]

AMERICAN OVERSEAS AIRLINES, INC., MAIL  
RATE

## NOTICE OF ORAL ARGUMENT

In the matter of fixing the rate of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith by American Overseas Airlines, Inc., over its system for 1945.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be heard by the Board on July 9, 1948, at 10:00 a. m. (eastern daylight saving time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated at Washington, D. C., June 16, 1948.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,  
Secretary.[F. R. Doc. 48-5582; Filed, June 22, 1948;  
8:46 a. m.]

[Docket No. 1803]

PAN AMERICAN AIRWAYS, INC.

## POSTPONEMENT OF ORAL ARGUMENT

In the matter of the application of Pan American Airways, Inc., for a certificate of public convenience and neces-

sity authorizing air transportation within the continental United States.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled matter, originally assigned to be held on June 28, 1948, is postponed to July 13, 1948, at 10:00 a. m. (eastern daylight saving time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 17, 1948.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,  
Secretary.[F. R. Doc. 48-5593; Filed, June 22, 1948;  
8:46 a. m.]

[Docket No. 2384, et al.]

UNITED AIRLINES, INC., ET AL., CHICAGO  
HELICOPTER SERVICE CASENOTICE OF CHANGE IN DATE OF ORAL  
ARGUMENT

In the matter of the application of United Air Lines, Inc., and other applicants for certificates of public convenience and necessity.

Notice is given, pursuant to the Civil Aeronautics Act of 1938, as amended, that the date for oral argument in the above-entitled matter, originally set as July 13, 1938, is hereby changed to June 30, 1948, at 10:00 a. m. (eastern daylight saving time) in Room 5042 Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 17, 1948.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,  
Secretary.[F. R. Doc. 48-5584; Filed, June 22, 1948;  
8:46 a. m.]SECURITIES AND EXCHANGE  
COMMISSION

[File No. 7-1057]

AMERICAN WATER WORKS CO., INC.

NOTICE OF APPLICATION FOR UNLISTED  
TRADING PRIVILEGES, AND OF OPPORTUNITY  
FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of June 1948 A. D.

The Philadelphia Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock \$5 Par Value of the American Water Works Company, Inc., a security listed and registered on the New York Stock Exchange.



## NOTICES

[File No. 70-1830]

## KANSAS CITY POWER &amp; LIGHT Co.

## SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of June A. D. 1948.

Kansas City Power & Light Company, a public utility subsidiary of Continental Gas & Electric Corporation, a registered holding company, having filed an application-declaration and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, with respect to the issue and sale, pursuant to the competitive bidding requirements of Rule U-50, of \$12,000,000 principal amount of First Mortgage Bonds, ----% Series due 1978 and 80,000 shares of \$100 par value ----% Cumulative Preferred Stock; and

The Commission having, by order dated June 2, 1948, granted and permitted to become effective said application-declaration, as amended, subject to the conditions that Kansas City Power & Light Company obtain from the State Corporation Commission of Kansas and file in this proceeding a final certificate with relation to the issue and sale of said bonds and preferred stock, and that the proposed issue and sale of securities not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a part of this record and a further order containing such terms and conditions as may be deemed appropriate shall have been entered in the light of the record so completed, for which purpose jurisdiction was reserved, and subject to a further reservation of jurisdiction with respect to legal fees and expenses to be incurred in connection with the proposed transactions; and

Kansas City Power & Light Company having filed a further amendment herein stating that, in accordance with said order of June 2, 1948, said bonds and preferred stock have been offered for sale pursuant to the competitive bidding requirements of Rule U-50, and that the following bids for the respective securities have been received:

## FOR BONDS

Bidding group headed by—	Coupon	Price to company <sup>1</sup>	Cost to company
	Percent	Percent	Percent
Lehman Bros. and Bear, Stearns & Co.	2½	101.5213	2.79971
Glore, Forgan & Co. and W. C. Langley & Co.	2½	101.027	2.82402
Shields & Co., White, Weld & Co., and Central Republic Co., (Inc.)	2½	100.9759	2.82654
Halsey Stuart & Co., Inc.	2½	100.94991	2.82782
Kuhn Loeb & Co.	2½	100.6099	2.8496
First Boston Corp.	2½	100.819	2.85909

<sup>1</sup> Plus accrued interest from June 1, 1948.

## FOR PREFERRED STOCK

Bidding group headed by—	Dividend rate	Price to company <sup>1</sup>	Cost to company
	Percent		Percent
Glore, Forgan & Co. and W. C. Langley & Co.	4	\$100.271	3.6992
Shields & Co., White, Weld & Co., and Central Republic Co., (Inc.)	4.05	100.6599	4.0234
Harriman Ripley & Co., Inc.	4.10	100.35	4.0357
Smith, Barney & Co.	4.10	100.27	4.059
First Boston Corp.	4.10	100.099	4.0699

<sup>1</sup> Plus accrued dividends from June 1, 1948.

Said amendment further stating that the bid of Lehman Brothers and Bear, Stearns & Co., as above set out, for the bonds has been accepted and the bonds are to be offered for sale to the public at 101.515448% of the principal amount plus accrued interest, resulting in a negative underwriters' spread of .005852% of the principal amount of the bonds or an aggregate negative spread of \$702.24, and that the bid of Glore, Forgan & Co. and W. C. Langley & Co., as above set out, for the preferred stock has been accepted and the stock is to be offered for sale to the public at \$101.25 per share plus accrued dividends, resulting in an underwriters' spread of \$0.979 per share; and

The Commission having considered the record herein and finding no basis for imposing terms and conditions with respect to the prices to be paid the company, the interest rate of the bonds, the dividend rate of the preferred stock, and the underwriters' spreads; and

The final Certificate of the State Corporation Commission of Kansas having been submitted as a part of said amendment; and

It appearing to the Commission that the legal fees and expenses incurred in connection with the issue and sale of the securities, if they do not exceed the amounts estimated, are not unreasonable and jurisdiction with respect thereto should be released; and

The Commission finding that the applicable standards of the act and the rules and regulations promulgated thereunder have been satisfied and that said application-declaration, as amended, should be granted and permitted to become effective forthwith;

It is ordered, That the jurisdiction heretofore reserved with respect to the results of competitive bidding for said securities and with respect to the legal fees incurred and to be paid in connection with the issue and sale of said securities be, and it hereby is, released, and the application-declaration, as amended, be, and it hereby is, granted and permitted to become effective, subject, however, to the terms and conditions prescribed in Rule U-24; and

It is further ordered, That this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-5574; Filed, June 22, 1948; 8:47 a. m.]

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to July 6, 1948 the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, its application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-5575; Filed, June 22, 1948; 8:47 a. m.]

[File No. 7-1058]

## WEST PENN. ELECTRIC Co.

## NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of June 1948 A. D.

The Philadelphia Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value of the West Penn Electric Company, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to July 6, 1948, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-5576; Filed, June 22, 1948; 8:47 a. m.]



[File No. 812-551]

## ATLAS CORP. AND HILTON HOTELS CORP.

## NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 17th day of June A. D. 1948.

Notice is hereby given that Atlas Corporation (hereinafter called "Atlas") a registered investment company has filed an application pursuant to Section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (a) (2) of the act a proposed purchase by Hilton Hotels Corporation (hereinafter called "Hilton") from Atlas of up to 53,699 shares of 4% Convertible Preference Stock of Hilton at \$35 per share. Atlas carries the shares on its books at an average cost of approximately \$19.16 per share. The bid price of the shares from December 1947 to June 7, 1948 ranged between \$36.50 and \$38.25 per share. Hilton, the proposed purchaser, whose principal office is located in Chicago, Illinois, is engaged in the business of owning and operating hotels.

As of June 7, 1948, Atlas owned 53,699 shares, or 28.68% of the outstanding 4% Convertible Preference Stock, numbering 187,231.57 shares, and 139,161 shares, or 8.61% of the outstanding Common Stock numbering 1,616,397 shares, of Hilton. Each share of preference stock and common stock is entitled to one vote. Atlas therefore owns 10.69% of the outstanding voting securities of Hilton, as a result of which, Hilton is an affiliated person of Atlas within the meaning of the act.<sup>1</sup> Section 17 (a) (2) of the act prohibits an affiliated person of a registered investment company from purchasing any securities or property from the registered investment company. Atlas has therefore filed the instant application for an order of the Commission exempting the proposed purchase by Hilton from the provisions of section 17 (a) (2).

The proposed purchase is embodied in a letter agreement dated May 19, 1948 which states, among other things, that Hilton has appropriated \$2,240,000 for the purchase of its outstanding 4% Convertible Preference stock. It is alleged in the application that after the appropriation of these funds, Hilton will nevertheless have sufficient working capital for its corporate needs. In connection with such purchase Hilton proposes to invite tenders from other holders of the preference stock, to first accept shares tendered at a price of less than \$35 a share, and to apply the balance to the purchase of the shares held by Atlas and the purchase of other stock tendered at \$35 per share, pro rata.

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed trans-

action and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination it deems the following issues to be raised by the application without prejudice to the specification of additional issues upon further examination:

(1) Whether the proposed purchase is fair and reasonable;

(2) Whether the proposed purchase involves over-reaching on the part of any person concerned;

(3) Whether the proposed purchase is consistent with the policy of Atlas as recited in its registration statement and reports filed under the act;

(4) Whether the proposed purchase is consistent with the general purposes of the act.

Notice is further given that an order granting the application may be issued by the Commission on or at any time after June 28, 1948 unless prior thereto a hearing upon the application is ordered by this Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than June 25, 1948, at 5:30 p. m., his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 48-5577; Filed, June 22, 1948;  
8:47 a. m.]

## DEPARTMENT OF JUSTICE

## Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11351]

PETER NEUENHAUS ET AL.

In re: Stock owned by Peter Neuenhaus and others. F-28-26467-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses set forth below:

## Name and address

Peter Neuenhaus, Dieringhausen, District, Gummersbach, Schulstrasse, Germany.  
Heinrich Neuenhaus, Jüchen, Germany.

Mrs. Daniel Hammers, also known as Maria Magdalena Neuenhaus, M. Gladbach, Krefelderstrasse, 139, Germany.

Mrs. Fritz Schumacher, also known as Luise Neuenhaus, Köln-Ehrenfeld, Eichen-dorffstr. 37, Germany.

Mrs. Josef Schiffer, also known as Anna Neuenhaus, Kellershof bei Bedburdyk, Germany.

Mrs. Dr. Peter Hintzen, also known as Maria Neuenhaus, Munster, Hittoristrasse 13, Germany.

are residents of Germany and nationals of a designated enemy country (Germany),

2. That the property described as follows:

a. Fifty (50) shares of \$10.00 par value capital stock of Acme Coal Mining Co., Inc., in Pennsylvania, evidenced by a certificate numbered 1615, registered in the name of John Newenhouse, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, in an account entitled Kontor Der Reichshauptbank Fur Wertpapiere and numbered TR 681139, together with all declared and unpaid dividends thereon,

b. Ten (10) shares of \$100.00 par value capital stock of Peninsula Packing Co., Inc., in Michigan, evidenced by a certificate numbered 14, registered in the name of John Neuenhaus, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, in an account entitled Kontor Der Reichshauptbank Fur Wertpapiere and numbered TR 681139, together with all declared and unpaid dividends thereon, and

c. Three hundred (300) shares of \$5.00 par value capital stock of Waeyne Coal Co., Inc. in Delaware, evidenced by certificates numbered 12048, 12144 and 12071 for 100 shares each, registered in the name of John Newenhouse, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, in an account entitled Kontor Der Reichshauptbank Fur Wertpapier and numbered TR 681139, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Peter Neuenhaus, Heinrich Neuenhaus, Mrs. Daniel Hammers, also known as Maria Magdalena Neuenhaus, Mrs. Fritz Schumacher, also known as Luise Neuenhaus, Mrs. Josef Schiffer, also known as Anna Neuenhaus, and Mrs. Dr. Peter Hintzen, also known as Maria Neuenhaus, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being

<sup>1</sup> Section 2<sup>o</sup> (a) (3) B of the act provides, among other things, that an affiliated person of another person shall mean any person 5% or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person.

## NOTICES

deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 1, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 48-5588; Filed, June 22, 1948;  
8:52 a. m.]

[Vesting Order 11381]

UICHI NISHIKAWA

In re: Bonds owned by Uichi Nishikawa. F-39-606-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Uichi Nishikawa, whose last known address is Kawamshicho, Iwakuni-shi, Yamaguchi-ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: Fifteen (15) Tokyo Dento Kabushiki Kaisha, Japan, 6% Gold Dollar Bearer Bonds due 1953, of \$1,000 face value each, bearing the numbers 18418, 18419, 18420, 18421, 18422, 46446, 52324, 52413, 56507, 56508, 56509, 56510, 65687, 65688 and 57773, presently in the custody of the trustees for the creditors and stockholders of The Sumitomo Bank of Hawaii in Dissolution, P. O. Box 1200, Honolulu, T. H., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-5589; Filed, June 22, 1948;  
8:52 a. m.]

[Vesting Order 11382]

ELEONORE VON CRAILSHEIM

In re: Debts owing to Eleonore Von Crailsheim, also known as Mrs. Eleonore von Crailsheim. D-28-1691, F-28-250-C-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eleonore Von Crailsheim, also known as Mrs. Eleonore von Crailsheim, whose last known address is Frohstockheim, Kitzingen A/M, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows:

a. That certain debt or other obligation owing to Eleonore Von Crailsheim, also known as Mrs. Eleonore von Crailsheim, by Irving Trust Company, One Wall Street, New York 15, New York, arising by reason of the receipt by said Irving Trust Company of the proceeds of the liquidation of an undivided one-sixth ( $\frac{1}{6}$ ) interest owned by Eleonore Von Crailsheim, also known as Mrs. Eleonore von Crailsheim, in the debt secured by a bond and mortgage of John Edward Schipper covering certain real property in Hawthorne, New York, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. Those certain debts or other obligations owing to Eleonore Von Crailsheim, also known as Mrs. Eleonore von Crailsheim, by The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, in the total amount of \$40.76, arising out of certain dividends paid on 42 shares of capital stock of The Borden Company, registered in the name of the aforesaid Eleonore Von Crailsheim, and evidenced by three checks drawn by the aforesaid bank, bearing the numbers 43350, 43233 and 44641, in the amounts of \$18.90, \$11.34 and \$10.52 respectively, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 48-5556; Filed, June 21, 1948;  
8:53 a. m.]

[Vesting Order 11384]

S. SUZUKI & CO., LTD.

In re: Trademarks owned by S. Suzuki & Co., Ltd. (Kabushiki Kaisha Suzuki Shoten), Tokyo, Japan.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That S. Suzuki & Co., Ltd., (Kabushiki Kaisha Suzuki Shoten), Tokyo, Japan, is a corporation, partnership, association, or other business organization, organized under the laws of Japan, and having its principal place of business in Tokyo, Japan, and is a national of a foreign country (Japan)

2. That the property described as follows:

(a) The trademarks registered in the United States Patent Office under the numbers and on the dates set out in Exhibit A attached hereto and made a part hereof and the registrations thereof, together with

(i) The respective good will of the business in the United States and all its possessions to which said trademarks are appurtenant.

(ii) Any and all indicia of such good will (including but not limited to formulae whether secret or not, secret processes, methods of manufacture and procedure, customers' lists, labels, machines and other equipment)

(iii) Any interests of any nature whatsoever in and any rights and claims of every character and description to said business, good will and trademarks and registrations thereof; and

(iv) All accrued royalties payable or held with respect to such trademarks and all damages and profits recoverable at law or in equity from any person firm,

corporation or government for past infringement thereof;

is property of, or is property payable or held with respect to trademarks or rights related thereto in which interests are held by, and such property, itself constitutes interests held therein by, the aforesaid national of a foreign country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 10, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

#### EXHIBIT A

[Trademarks which are identified as follows and the titles to which stand of record in the United States Patent Office in the name of S. Suzuki & Co. Ltd.]

Registration No.	Date	Character of goods
181,930.....	Apr. 1, 1924	Seasonings.
183,273.....	Apr. 29, 1924	Seasonings for food flavoring purposes.
183,274.....	Apr. 29, 1924	Seasoning powder.
187,111.....	July 29, 1924	Wheat flour.
318,556.....	Oct. 30, 1934	Fertilizers.
341,524.....	Dec. 22, 1936	Seasonings consisting largely of salts of glutamic acid.

[F. R. Doc. 48-5590; Filed, June 22, 1948; 8:52 a. m.]

[Vesting Order 11391]

#### OSCAR HERF

In re: Trust under will of Oscar Herf, deceased. File No. D-28-10552-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Liselotte Boelitz Kayser, Helene Herf and Gisela Herf Frei, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the descendants, names unknown, of Liselotte Boelitz Kayser and of Fritz Herf, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Oscar Herf, deceased, presently being administered by St. Louis Union Trust

Company, trustee, 323 North Broadway, St. Louis 2, Missouri, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the descendants, names unknown, of Liselotte Boelitz Kayser and of Fritz Herf, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Claimant and claim No.	Notice of intention to return published	Property
Mrs. Martha Daniels, Berkeley, Calif., Hermann Schiff, New York, N. Y., Claim No. 6238.	May 7, 1948 (13 F. R. 275)	All right, title, interest and claim of any kind or character whatsoever of the individual claimants, as successors in interest to Martin Schiff and Jenny Schiff, and each of them, in and to the Estate of Amalia E. Zedisch, deceased, and in and to any property of said Amalia E. Zedisch presently under administration. \$1,600 in the Treasury of the United States, \$700 to each claimant.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 48-5562; Filed, June 21, 1948; 8:54 a. m.]

[Vesting Order 11398]

#### HENRY W. KOBER

In re: Estate of Henry W. Kober, deceased. File No. D-28-10738; E. T. sec. 12588.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friedrich Wilhelm Kober, Gustav Linke, Max Linke, Elsa Linke Shonberg, Pauline Model Stoecker, Gustav Herman Herfurth, Gustave Paul Franz, Wilhelm Richard Franz, Paul Edmund Herfurth, Frieda Minna Bischof, Martha Elizabeth Kutsche, Friedrich Gustave Kern, Ernst Wilhelm Kern, Gustav Zimmerman, Wilhelm Zimmerman, and Pauline Zimmerman Habler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the domiciliary personal representatives, heirs, next of kin, legatees

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 10, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 48-5591; Filed, June 22, 1948; 8:52 a. m.]

[Return Order 132]

#### MARTHA DANIELS AND HERMANN SCHIFF

Having considered the claim set forth below and having issued a determination allowing the claim which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

and distributees, names unknown, of Emma Zimmerman Selbst, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Henry W. Kober, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by the Phillipsburg Trust Company, as administrator, acting under the judicial supervision of the Orphans' Court of Warren County, Belvidere, New Jersey;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Emma Zimmerman Selbst, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, admin-

## NOTICES

istered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 10, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-5592; Filed, June 22, 1948;  
8:52 a. m.]

[Vesting Order 11405]

MADAM OSHIO

In re: Rights of Madam Oshio under insurance contract. File No. F-39-4696-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Madam Oshio, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the net proceeds due or to become due under a contract of insurance evidenced by Group Life No. G 4106 Certificate 1469, issued by the Travelers Insurance Company, Hartford, Connecticut, to Kekechi Oshio, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 10, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-5593; Filed, June 22, 1948;  
8:52 a. m.]

[Vesting Order 11418]

DORNBUSCH & Co.

In re: Debt owing to Dornbusch & Company.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dornbusch & Company, the last known address of which is Krefeld, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Krefeld, Germany and is a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Dornbusch & Company, by The Dornbusch Agency, Inc., c/o Thomas Glendon, P. O. Box 1386, Greensboro, North Carolina, in the amount of \$9,-464.60, as of November 5, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

Claimant and claim No.	Notice of intention to return published	Property
Jean Jobert, 44 Rue du Collisee, Paris, France; Claim No. 6457.	May 8, 1948 (13 F. R. 2499).	Property to the extent owned by claimant immediately prior to the vesting thereof, described in Vesting Order No. 3502 (9 F. R. 6123, June 6, 1944) relating to compositions listed in "Extrait du Catalogue de Jean Jobert, Editeur" (attached as Exhibit A of said vesting order), including royalties pertaining thereto in the amount of \$161,167.41.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-5563; Filed, June 21, 1948;  
8:54 a. m.]

[Vesting Order 11421]

I. G. FARBENINDUSTRIE A. G.

In re: Debt owing to I. G. Farbenindustrie A. G.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 10, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-5594; Filed, June 22, 1948;  
8:52 a. m.]

[Return Order 133]

JEAN JOBERT

Having considered the claim set forth below and having issued a determination allowing the claim which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

1. That I. G. Farbenindustrie A. G., the last known address of which is Frankfurt, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to I. G. Farbenindustrie A. G., by General Dyestuff Corporation, New York, New York, in the amount of \$358.56, as of December 31, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 10, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 48-5595; Filed, June 22, 1948;  
8:53 a. m.]

[Vesting Order 11422]

FINO-WERKE

In re: Debt owing to Fino-Werke, also known as Luithlen & Neumann. F-28-27783-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fino-Werke, also known as Luithlen & Neumann, the last known address of which is Andernach-on-the-Rhine, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Andernach-on-the-Rhine, Germany, and is a national of a designated enemy country (Germany).

2. That the property described as follows: That certain debt or other obligation owing to Fino-Werke, also known as Luithlen & Neumann, by Ralph Brucker, 4917 No. Hermitage Avenue, Chicago, Illinois, in the amount of \$868.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 10, 1948.

Claimant and claim No.	Notice of intention to return published	Property
Hedwig Hermann, New York, N. Y.; Claim No. 5205.	May 7, 1948 (13 F. R. 2170).	\$4,450.00 in the Treasury of the United States. All right, title, interest, and claim of any kind or character whatsoever of Mrs. Hedwig Hermann in and to the property held in trust under the will of Sanford Sachs, deceased, by Wells Fargo Bank & Union Trust Company, 4 Montgomery Street, San Francisco, California and Hilda S. Newbauer, 1291 California St., San Francisco, Calif., trustees.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 48-5504; Filed, June 21, 1948;  
8:54 a. m.]

[Vesting Order 11425]

JOSEPH HAUKE ET AL.

In re: Debt owing to Joseph Hauke also known as Josef Hauke and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are listed below:

Joseph Hauke also known as Josef Hauke, (16) Wiesbaden, Emserstrasse 51/11, Hessen, Germany.

Dr. Wilhelm Hauke, (20) Göttingen, Nikolausbergerweg 39, Hannover, Germany.

Miss Anna Hauke also known as Anni Hauke, (16) Heppenheim A. D., Bergstrasse, Friedrichstrasse 26, Germany.

Mrs. Gertrude Wurma-Hauke, also known as Gertrude Hauke Wurma, Friedrichstrasse 26, Heppenheim/Bergstrasse, Gross Hessen, Germany.

are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation of Anderson, Clayton & Co., Inc. P. O. Box 2538, Houston, Texas, in the amount of \$425.00 as of April 29, 1948, carried in a blocked account styled "Josef Hauke,"

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 48-5536; Filed, June 22, 1948;  
8:53 a. m.]

[Return Order 135]

HEDWIG HERMANN

Having considered the claim set forth below and having issued a determination allowing the claim which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Joseph Hauke also known as Josef Hauke, Dr. Wilhelm Hauke, Miss Anna Hauke also known as Anni Hauke and Mrs. Gertrude Wurma-Hauke also known as Gertrude Hauke Wurma, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 10, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 48-5537; Filed, June 22, 1948;  
8:53 a. m.]



[Vesting Order 11428]

W KOHNK

In re: Debt owing to W Kohnk.  
F-28-13782-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That W Kohnk, the last known address of which is Alsterdam 6, Hamburg 1, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation owing to W. Kohnk, by Binney & Smith Company, 41 East 42nd Street, New York 17, New York, in the amount of \$825.10 as of December 31, 1945, together with any and all accruals there-to, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a

national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 10, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-5598; Filed, June 22, 1948;  
8:53 a. m.]

[Return Order 143]

BOARD OF FOREIGN MISSIONS REFORMED  
CHURCH IN U. S.

Having considered the claim set forth below and having issued a determination allowing the claim which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
Board of Foreign Missions, Reformed Church in U. S. (a Pennsylvania corporation), c/o Paul H. Schulz, Detroit, Mich., Claim No. 7478.	May 5, 1948 (13 F. R. 2422).	\$1,984.55 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-5565; Filed, June 21, 1948;  
8:54 a. m.]

[Vesting Order 11448]

IDA SCHMIDT

In re: Estate of Ida Schmidt, deceased. File D-28-10470; E. T. sec. 14889.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurt Stamberger, Hans Stamberger, Hermann Stamberger, Rosemary

Minsch, Ernest Minsch, and Franziska Stahmer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees of Rudi Stamberger, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Ida Schmidt, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

4. That such property is in the process of administration by Alfred Shukert, as Executor, acting under the judicial supervision of the Probate Court of Jackson County, Missouri;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees of Rudi Stamberger, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 16, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

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8:53 a. m.]